

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

AMENDMENTS TO LOCAL RULES  
AND FORMS, UNITED STATES  
BANKRUPTCY COURT, DISTRICT  
OF MINNESOTA

ORDER PROMULGATING  
AMENDMENTS

MISC 01-302, MISC 01-404

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At Minneapolis and St. Paul, Minnesota, this 21 day of November, 2001.

On September 12, 2001, this Court gave notice of certain amendments it proposed to make to its Local Rules and Forms. The period for public comment set by that notice has passed. The Court having reviewed the comments received, and having determined that the Local Rules and Forms should be amended,

IT IS HEREBY ORDERED:

1. The following Local Rules are abrogated and are deleted from the text of the Local Rules, without need of any continuing designation in that text:

Local Rule 3002-4

Local Rule 5003-4

Local Rule 5077-1

Local Rule 6071-1

Local Rule 7005-3

Local Rule 7016-1

Local Rule 7026-1

Local Rule 7027-1

Local Rule 9004-2

Local Rule 9020-1

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 11/21/01 Patrick G. De Wane, Clerk, By kb
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2. The following Local Rules and Forms are amended:

Local Rule 1002-1

Local Rule 1006-1

Local Rule 1007-1

Local Rule 1007-2(a)

Local Rule 1008-1

Local Rule 1009-1(a) - (b)

Local Rule 1010-1(a)

Local Rule 1019-1

Local Rule 1070-1

Local Rule 1073-1

Local Rule 1073-2

Local Rule 2002-1

Local Rule 2002-4

Local Rule 2002-5

Local Rule 2003-1

Local Rule 2004-1(a)

Local Rule 2004-2

Local Rule 2014-1

Local Rule 2015-1

Local Rule 2016-1(d)

Local Rule 3002-2(a)

Local Rule 3007-1

Local Rule 3009-1(a)

Local Rule 3010-1

Local Rule 3011-1  
Local Rule 3019-1  
Local Rule 3019-2  
Local Rule 3020-1  
Local Rule 4001-2(b)  
Local Rule 4003-1(a)  
Local Rule 4004-1  
Local Rule 4008-1(a)  
Local Rule 5005-1(a)  
Local Rule 5010-1  
Local Rule 5011-1  
Local Rule 5095-1(b)  
Local Rule 6004-1  
Local Rule 7037-1  
Local Rule 7054-1  
Local Rule 7055-1  
Local Rule 7067-1  
Local Rule 7069-1  
Local Rule 8003-1  
Local Rule 8006-1(b)  
Local Rule 8006-2  
Local Rule 8010-1  
Local Rule 8010-3  
Local Rule 8011-1  
Local Rule 8016-1  
Local Rule 9001-1

Local Rule 9006-1

Local Rule 9013-1

Local Rule 9013-3(a)

Local Rule 9015-1(e)

Local Rule 9019-1(c)

Local Rule 9021-1

Local Rule 9029-4

Local Rule 9033-1

3. The following new Local Rules and Forms are adopted:

Local Rule 1007-3

Local Rule 3002-2(c)

Local Rule 3017.1-1

Local Rule 8001-1

Local Form 1007-3

Local Form 3002-2

4. All text involved in these amendments, *in redlined format*, is included in Exhibit A, attached to this order.

5. The amendments promulgated by this order shall be effective January 1, 2002. The official text of the Local Rules, as set forth on the Court's Website, shall be modified then to incorporate the amendments.

/s/ Gregory F. Kishel  
Chief Judge Gregory F. Kishel

/s/ Robert J. Kressel  
Judge Robert J. Kressel

/e/ Dennis D. O'Brien  

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Judge Dennis D. O'Brien

/e/ Nancy C. Dreher  

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Judge Nancy C. Dreher

## **EXHIBIT "A"**

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**PART I**

**COMMENCEMENT OF CASE; PETITION;**

**ORDER FOR RELIEF; DISMISSAL AND CONVERSION OF CASES**

**RULE 1002-1. PETITION - GENERAL (PLACE OF FILING)**

(a) CHAPTER 7 AND 13 CASES. A petition commencing a chapter 7 or 13 case shall be filed in the clerk's office in the city listed below for the county designated in the petition as the county for the debtor's mailing address. If two cities are listed for a county, the petition may be filed with the clerk's office in either city. The clerk may permit or direct the filing of a petition at a particular office if the debtor has an interest in property in several counties or is an affiliate of a debtor in a pending case, or for other good cause. ~~If the designated county for the debtor's mailing address would otherwise require the petition commencing a chapter 13 case to be filed at the Duluth or Fergus Falls office of the clerk, the petition may be filed at the Minneapolis office of the clerk.~~

## County - Clerk's Office Where Petition Is To Be Filed:

Aitkin - Duluth	Isanti - Minneapolis	Pipestone - St. Paul
Anoka - Minneapolis	Itasca - Duluth	Polk - Fergus Falls
Becker - Fergus Falls	Jackson - St. Paul	Pope - Fergus Falls
Beltrami - Fergus Falls	Kanabec - Duluth or St. Paul	Ramsey - St. Paul
Benton - Duluth or St. Paul	Kandiyohi - Minneapolis	Red Lake - Fergus Falls
Big Stone - Fergus Falls	Kittson - Fergus Falls	Redwood - St. Paul
Blue Earth - St. Paul	Koochiching - Duluth	Renville - Minneapolis
Brown - St. Paul	Lac Qui Parle - St. Paul	Rice - St. Paul
Carlton - Duluth	Lake - Duluth	Rock - St. Paul
Carver - Minneapolis	Lake Of The Woods - Fergus Falls	Roseau - Fergus Falls
Cass - Duluth	LeSueur - St. Paul	St. Louis - Duluth
Chippewa - Minneapolis	Lincoln - St. Paul	Scott - St. Paul
Chisago - St. Paul	Lyon - St. Paul	Sherburne - Minneapolis
Clay - Fergus Falls	Mahnomen - Fergus Falls	Sibley - St. Paul
Clearwater - Fergus Falls	Marshall - Fergus Falls	Stearns - Fergus Falls or Minneapolis
Cook - Duluth	Martin - St. Paul	Steele - St. Paul
Cottonwood - St. Paul	McLeod - Minneapolis	Stevens - Fergus Falls
Crow Wing - Duluth	Meeker - Minneapolis	Swift - Minneapolis
Dakota - St. Paul	Mille Lacs - Duluth or St. Paul	Todd - Fergus Falls
Dodge - St. Paul	Morrison - Duluth or St. Paul	Traverse - Fergus Falls
Douglas - Fergus Falls	Mower - St. Paul	Wabasha - St. Paul
Faribault - St. Paul	Murray - St. Paul	Wadena - Fergus Falls
Fillmore - St. Paul	Nicollet - St. Paul	Waseca - St. Paul
Freeborn - St. Paul	Nobles - St. Paul	Washington - St. Paul
Goodhue - St. Paul	Norman - Fergus Falls	Watsonwan - St. Paul
Grant - Fergus Falls	Otter Tail - Fergus Falls	Wilkin - Fergus Falls
Hennepin - Minneapolis	Olmsted - St. Paul	Winona - St. Paul
Houston - St. Paul	Pennington - Fergus Falls	Wright - Minneapolis
Hubbard - Fergus Falls	Pine - Duluth or St. Paul	Yellow Medicine - St. Paul

(b) CHAPTER 11 AND 12 CASES. A petition commencing a chapter 11 or 12 case may be filed ~~initially~~ with any office of the clerk but will not be assigned to a judge or given a case number until after processing. After it is assigned to a judge under Local Rule 1073-1, the case shall be assigned to the appropriate clerk's office.

### **RULE 1005-1. PETITION - CAPTION**

If the debtor is an individual, the petition shall state the debtor's full name (including nickname, if any), without further variations based solely on initials or deletions, and other clearly different names if any (such as an alias, trade name or former name)

used by the debtor within six years before filing the petition. If applicable, the petition shall also include the identification of possible liability as a surety for another entity.

**RULE 1006-1. FEES - INSTALLMENT PAYMENTS**

(a) ~~FILING FEE~~ FEES PAYABLE UPON COMMENCEMENT OF A CASE. A filing fee payable upon the commencement of a case shall be paid with cash, a money order, a cashier's check, or a check funds drawn on the business account of an attorney admitted to practice in the United States District Court for the District of Minnesota or treated as if so admitted under Local Rule 9010-3(c).

(b) INSTALLMENT PAYMENTS. If an individual applies for permission to pay ~~the filing fee~~ such fees in installments, the individual shall pay one half of the filing fees at the time of filing the petition. If the court grants the application, the balance shall be paid within 30 days thereafter. If the balance is not paid within 30 days, ~~the court shall order a hearing to consider dismissal of the case.~~ or such later time as the court may fix by order entered prior to the expiration of the original deadline, an order dismissing the case will be entered immediately, without hearing and without further notice. ~~If fees are to be paid in installments, the debtor's attorney shall not be paid for services in connection with the case until the filing fee has been paid in full.~~

**RULE 1007-1. LISTS, SCHEDULES, AND STATEMENTS**



(a) FORMS AND COPIES. The petition and exhibits, attachments, schedules, statements and lists referred to in ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 1007 shall conform substantially to the appropriate Official Bankruptcy Form and shall be filed within the time specified by ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 1007. The statement of compensation shall conform substantially to Local Form 1007-1. In a chapter 7, 12, or 13 case, the debtor shall file an original and three copies of each paper and in a chapter 11 case an original and eight copies of each paper.

(b) SCHEDULE C: PROPERTY CLAIMED AS EXEMPT. The description of property in schedule C shall specifically identify the property, including the legal description if the property is real estate, for which exemption is claimed. This requirement shall not apply to clothing or household goods the value of which does not exceed \$200 for any particular item.

~~(c) SCHEDULE I: CURRENT INCOME. If the debtor in a chapter 7 case is an individual, the schedule of current income shall specify the age of the debtor and the reason for any change in current gross monthly income within the year preceding the filing of the petition. It shall also provide the current gross monthly income, if any, received by each dependent.~~

**RULE 1007-2. MAILING - LIST OR MATRIX**

(a) MATRIX. The debtor shall file with the petition a list of creditors containing the names and addresses of the debtor, the debtor's attorney and all creditors in matrix form for address label purposes done in accordance with the clerk's instructions. ~~If schedules are not filed with the petition, a preliminary matrix marked "preliminary" on the reverse side of the paper shall be filed with the petition and a final matrix shall be filed with the schedules. The clerk shall add the name and address of the United States Trustee and the trustee to the matrix. The clerk shall also keep a separate clerk's schedule D-E-F addendum sheet.~~ Upon written request by the debtor or a creditor or its authorized agent, the clerk shall add the name and address of an omitted creditor, an authorized agent for a creditor, or a new name or address for any creditor to the matrix ~~and to the D-E-F addendum sheet~~ and indicate the date the addition or correction was made. ~~The clerk shall correct the name or address of any creditor listed on the matrix if the creditor files a proof of claim showing a corrected name or address or if the creditor makes a written request to the clerk for a change.~~

(b) EQUITY SECURITY HOLDERS IN CHAPTER 11 CASES. Unless ordered otherwise, if there are more than 100 equity security holders in a chapter 11 case, the debtor shall not file a list of the debtor's equity security holders; otherwise the debtor shall file a list of the debtor's equity security holders and also add the names and addresses of such holders to the matrix in a separate section after the names and

addresses of the creditors in accordance with the clerk's instructions.

**RULE 1007-3. STATEMENT OF BUSINESS INCOME**

If any chapter 13 case in which either debtor derives gross income of more than \$200.00 per month from self employment or from a corporation as defined by 11 U.S.C. §101(9) in which the debtor is sole owner, the debtor shall file a separate statement of business income and expenses, in addition to the petition, schedules and statements required by Federal Rule of Bankruptcy Procedure 1009 and these Rules. The statement of business income shall conform substantially to Local Form 1007-3.

**RULE 1007-4. FAILURE TO FILE PAPERS**

(a) DISMISSAL. In a chapter 7 or 13 case, if any required exhibit, attachment, schedule, statement or list is not timely filed and no extension of time has been granted, the court may enter an order dismissing the case. In a chapter 11 or 12 case, if any required exhibit, attachment, schedule, statement or list is not timely filed, and no extension of time has been granted, the court will order a hearing to determine whether the case should be dismissed and sanctions imposed, and the clerk shall mail copies of the order to all known creditors and other parties interest.

(b) EXTENSION OF TIME TO FILE PAPERS. An application for an order to extend the time for filing such papers shall be served on the trustee

and the United States Trustee.

**RULE 1008-1. VERIFICATIONS PAPERS ACCOMPANYING PETITION**

(a) ~~SIGNATURES. The signatures on the petition of the debtor or the authorized officer or agent of the debtor and of the attorney for the debtor shall not be more than 60 days old or the petition will not be accepted for filing except upon leave of the court, which shall be granted only upon application. The debtor's attorney shall include the attorney's license number in the appropriate identification box on the front page of the petition.~~ [ABROGATED]

(b) ~~EXHIBIT A. If the debtor is not an individual, or if the debtor is an individual in a chapter 11 or 12 case, the debtor shall attach to the petition the summary of business required by Official Bankruptcy Form 1 (Exhibit "A").~~ [ABROGATED]

(c) PROOF OF AUTHORITY. If the debtor is not an individual, the debtor shall attach to the petition a proof of authority to sign and file the petition conforming substantially to Local Form 1008-1.

**RULE 1009-1. AMENDMENTS TO LISTS AND SCHEDULES**

(a) DEBTOR'S IDENTIFICATION. At any time before the notice of the meeting of creditors has been mailed, the clerk may direct the debtor to file an amendment to the petition on a form prescribed by the clerk so as to correct any clerical mistakes in the debtor's name, address,

or identification number. If the debtor fails to comply, the clerk may shall determine the title of the case. ~~docket and the notice of the meeting of creditors with the correct information as determined by the clerk. Once~~ If an amendment to the petition is filed after the notice of the meeting of creditors has been mailed, ~~no change may be made in the title of the case by the debtor or the clerk except the debtor may add an additional name or number by filing an amended petition and the clerk shall then add the name or number to the title of the case in the docket, case file, case indices and future notices.~~ the clerk shall change the title of the case, including making any corrections to the debtor's name or social security number, and ~~if appropriate, the debtor shall provide notice of any such amendment to the trustee and other parties in interest under Bankruptcy Rule 1009(a)~~ a notice of corrected case title to all creditors.

(b) FILING; SERVICE. All other amendments to petitions, exhibits, attachments, schedules, statements and lists shall be verified, contain the case caption and chapter number, and be served on the trustee and the United States Trustee. Notice of the case also shall be served on each creditor listed in any amendment to a schedule of creditors. A copy of any amended schedule A or B also shall be served on each entity that has filed a request for notice or notice of appearance under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2002(f) or 9010(b). A copy of any amended schedule C also shall be served on each entity listed in the matrix referred to in Local Rule 1007-2(a). A copy

of any amended statement of intention also shall be served on each affected ~~secured~~ creditor. If the debtor fails to provide proof of service of an amended Schedule B-4 or C on each entity entitled to such service under this Rule, the court will issue an order providing that the debtor's amended claim of exemption will have no effect until the debtor has complied with the service requirements of this Rule and filed proof of such compliance with the clerk. The clerk shall not issue a Certificate Regarding Property Claimed as Exempt until the debtor has complied with the service requirements of the Rule and the applicable period for objection has expired.

(c) FORM. An amendment to a schedule A, B, or C shall be labeled "Amended Schedule \_\_\_\_" and consist of a copy of the schedule to be amended with the changes shown thereon by underlined typewritten entries to show additions and lining out to show deletions, except an amendment solely to correct a legal description of real property which may instead conform to a form supplied by the clerk. An amendment to a schedule D, E, or F shall: 1) be labeled "Supplemental Schedule D-E-F"; 2) list alphabetically the names and addresses of the added or corrected creditors; 3) state whether priority is claimed or security is held by each creditor; 4) specify all other information for each creditor which would otherwise be applicable on the previous separate schedule filed in this case; and 5) be accompanied by a supplemental matrix. Other amendments shall be made by filing a new exhibit, attachment, schedule, statement or list, be labeled as amended and bear an appropriate

caption, and verification shall be attached thereto. A matrix may not be amended under this rule.

(d) CHAPTER 11 CASES. In a chapter 11 case, the debtor shall file an original and eight copies of any amendments to the papers listed in this rule.

**RULE 1010-1. INVOLUNTARY CASES**

(a) COMMENCEMENT. The petitioners shall file an original and three copies of ~~the~~ an involuntary petition.

(b) SERVICE. If the petitioners serve the summons and petition on the debtor by mail, the petitioners shall disclose to the court if the mailed copies were not delivered and returned by the post office by filing an affidavit to such effect.

(c) CONSENT TO RELIEF. The debtor may file a consent to entry of an order for relief or may file a conversion to another chapter under which the debtor may be a debtor, except that the debtor may not file a conversion to chapter 7 if the case was commenced under chapter 11.

(d) NOTICE OF POTENTIAL ENVIRONMENTAL HAZARD. Upon entry of an order for relief, the debtor shall give the notice specified in Local Rule 1075-1. If the debtor fails to do so, the petitioners shall give such notice.

(e) DISMISSAL BY COURT. If any exhibit, attachment, schedule, statement or list is not timely filed, the court on motion or on its own

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initiative may dismiss the case after hearing on notice to known creditors and other parties in interest. For such purposes, the clerk shall prepare a matrix.

**Fed. R. Bankr. P. Reference 1003, 1007.**

**RULE 1014-1. TRANSFER OF CASES**

When a case is transferred to this district, the case shall be filed with the appropriate clerk's office according to the current address or property location of the debtor or chapter of the case or as directed by the clerk. The clerk shall forthwith mail notice of the transfer to the debtor, all creditors and other parties in interest.

**RULE 1015-1. JOINT ADMINISTRATION/CONSOLIDATION**

Unless ordered otherwise, the estates of the debtors in a joint case filed under §302 of the Code are consolidated for all purposes and shall be jointly administered.

**RULE 1017-2. DISMISSAL OR CONVERSION OF CASES**

(a) MOTION TO DISMISS OR CONVERT. Except as provided in Local Rules 1017-2(b) and 1019-1, a request for dismissal or conversion of a case shall be made by motion. A motion to dismiss or a motion to convert a case shall be deemed a motion either to dismiss or to convert, whichever is in the best interest of creditors and the estate. In a chapter 7, 11 or 12 case, Local Rules 2002-1 and 2002-4(a) govern



preparation and mailing of the notice to creditors.

(b) APPLICATION TO DISMISS OR CONVERT. If a chapter 12 or 13 case was not converted previously, the debtor may obtain a dismissal of the case at any time by filing an application for dismissal and serving the application on the trustee and United States Trustee.

Fed. R. Bankr. P. Reference 1019.

**RULE 1019-1.    ~~CONVERSION—PROCEDURE FOLLOWING~~ CONVERSION OF CASES AND  
POST-CONVERSION REQUIREMENTS**

(a) CONVERSION TO CHAPTER 7.

(1) From Chapter 12 or 13. The debtor may convert a chapter 12 or 13 case to a chapter 7 case at any time by filing an original and three copies of a verified conversion adapted from Local Form 1019-1. The conversion shall be accompanied by an original and three copies of the exhibits, attachments, schedules, statements and lists appropriate for a chapter 7 case, including the statement of current income and expenditures and statement of intention.

(2) From Chapter 11. If conversion is allowed under §1112(a) of the Code, the debtor may convert a chapter 11 case to a chapter 7 case by filing an original and eight copies of a verified conversion adapted from Local Form 1019-1. If the debtor is not an individual, proof of authority to sign and file the conversion shall be attached to the conversion. Within 15 days after the filing of the

conversion, the debtor shall file an original and three copies of a final report and account on the form prescribed by the clerk and an original and three copies of a matrix for mailing purposes providing the names and addresses of any new unpaid creditors.

(b) CONVERSION TO CHAPTER 11 FROM CHAPTER 7. If conversion is allowed under §706(a) of the Code, the debtor may convert a chapter 7 case to a chapter 11 case by filing an original and eight copies of a verified conversion adapted from Local Form 1019-1. If the debtor is not an individual, proof of authority to sign and file the conversion shall be attached to the conversion. An original and eight copies of the list of creditors in matrix form, summary of business, proof of authority to file, list of twenty largest unsecured creditors, and attorney statement shall be filed within two days after the conversion. An original and eight copies of all other papers shall be filed within 15 days after the conversion, unless filed before the case was converted or the court orders otherwise.

(c) CONVERSION TO CHAPTER 12 OR 13 FROM CHAPTER 7. If conversion is allowed under §706(a) of the Code, the debtor may convert a chapter 7 case to a chapter 12 or 13 case by filing an original and three copies of a verified conversion adapted from Local Form 1019-1. The conversion shall be accompanied by an original and three copies of the exhibits, attachments, schedules, statements and lists appropriate for a chapter 12 or 13 case.

(d) COPY TO JUDGE. Immediately upon the filing of a conversion, the clerk shall transmit a copy thereof to the judge assigned to the case.

**RULE 1070-1. REFERENCE**

All bankruptcy cases and proceedings, including any claim or cause of action that is removed under 28 U.S.C. §1452 or ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 9027, are referred to the bankruptcy judges and shall be assigned among them according to orders made by them. The bankruptcy judges are specially designated to conduct jury trials pursuant to 28 U.S.C. §157(e).

**RULE 1073-1. ASSIGNMENT OF CASES**

Each case shall be assigned to a judge by random allocation as determined by order of the judges. Unless otherwise ordered, the judge assigned to the case shall thereafter hear all matters and preside at all times in the case. All adversary proceedings arising in or related to the case shall be assigned to the same judge.

**RULE 1073-2. EN BANC DECISION**

The judges may determine by order to enter a decision signed by all of the judges ~~with respect to a dispositive question of law.~~

**RULE 1075-1. NOTICE OF POTENTIAL ENVIRONMENTAL HAZARD**

At the commencement of any case, if the debtor believes commercial

or industrial property of the estate, whether real or personal, may contain a hazardous substance as defined in Minn.Stat. §115B.02, subd. 8 or other applicable law, or if the debtor believes environmental contamination or a release or threatened release of a hazardous substance may exist on the property, the debtor shall give notice of the filing of the case to the trustee, the United States Trustee, the Environmental Protection Agency and the Attorney General of the state in which the property is located. The notice shall describe the hazardous substance, identify its location, be filed with proof of service attached at the same time the statement of financial affairs is filed, and conform substantially to Local Form 1075-1.

## **PART II**

### **OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; PROFESSIONAL PERSONS**

#### **RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES (ENTITIES SERVED WITH RULE 2002 NOTICES)**

(a) CHAPTER 7, 12 AND 13 CASES. Except as provided in Local Rules 2016-1 and 6004-1, all notices under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2002 in a chapter 7, 12 or 13 case shall be mailed to each entity listed in the matrix referred to in Local Rule 1007-2.

(b) CHAPTER 11 CASES.

(1) Service List. The clerk shall maintain a service list

for each chapter 11 case in matrix form of the entities specified in items (1) through (1413) of Local Rule 9013-3(a)(2) and shall furnish copies to requesting entities. Upon written request from any listed entity to correct information relating to the entity, the clerk shall make the corrections requested. , noting thereon the date the correction was made.

(2) Limited and General Notice. Unless ordered otherwise, all notices under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 2002(a)(2), (a)(3) and (a)(7), except a notice of a proposed sale of all or substantially all the debtor's assets, shall be mailed only to each entity listed in the service list. The United States Trustee or any other party in interest may request by application an order expanding such notice to include all creditors. All other notices to creditors under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2002 shall be mailed to each entity listed in the matrix referred to in Local Rule 1007-2 and to each additional entity listed in the service list. If the mailing of the notice of the meeting of creditors was from a preliminary matrix, the debtor shall, within three days after filing the matrix, mail such notice to each entity listed in the matrix that was not listed in the preliminary matrix, and shall file proof of such service.

(3) Notice to Equity Security Holders. All notices under

~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2002(d)  
shall be mailed to each equity security holder.

(c) NO ADDRESS; UNDELIVERED NOTICES. Neither the clerk, the debtor nor the moving party need mail a notice to any entity listed with no address or "address unknown" in the matrix referred to in Local Rule 1007-2. If a notice of the meeting of creditors is returned to the clerk as undelivered, the clerk shall notify the attorney for the debtor.

**RULE 2002-4. PREPARATION, SERVICE AND FORM OF RULE 2002 NOTICES**

(a) NOTICES PREPARED BY MOVING PARTY. Except as provided otherwise in this rule, an entity moving for relief which requires notice under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2002 shall prepare and request the clerk to mail the notice, unless the moving party mails the notice and files proof of such service.

(b) NOTICES PREPARED BY CLERK. Except as provided in paragraph (f) of this rule, the clerk shall prepare and mail notices of: 1) the order for relief and the meeting of creditors; 2) a hearing on the approval of a disclosure statement; 3) a hearing on confirmation of a chapter 12 or 13 plan; 4) confirmation of a chapter 11 or 12 plan; 5) revocation of confirmation of a plan; 6) a hearing on a motion for hardship discharge in a chapter 12 or 13 case; 7) the debtor's discharge; 8) denial or revocation of the debtor's discharge; and 9) dismissal or conversion of a case.

(c) NOTICES PREPARED BY TRUSTEE.

(1) Disposition of Property. Except as provided in Local

Rules 6004-1(b), 6007-1, and ~~9010-1~~ 9019-1, the trustee in a chapter 7 case shall prepare and request the clerk to mail a notice of sale, abandonment or other disposition of property or compromise or settlement of a controversy, which shall conform substantially to Local Form 6004-1(d).

(2) Final Report and Account. The trustee in a chapter 7 case shall prepare and request the clerk to mail the notice of the trustee's final report and account, which shall conform substantially to Local Form 2002-4(c).

(d) NOTICES PREPARED BY DEBTOR IN POSSESSION. In a chapter 11 case, if the debtor in possession does not file a list of equity security holders, the debtor in possession shall prepare and mail any notice required under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2002(d) and file proof of such service. The proof of service shall not include a list of the equity security holders, but shall state the total number of such holders and identify the person who made the mailing and the custodian of the records containing the names and addresses of such holders. The notice of the order for relief shall conform substantially to Local Form 2002-4(d).

(e) NOTICES PREPARED BY PARTY REQUESTING EXPANDED NOTICE. If the court in a chapter 11 case grants an application under Local Rule 2002-1(b)(2) for expanded notice, the applicant or the moving party shall prepare and request the clerk to mail the new notice, unless the applicant or the moving party mails the new notice and files proof of

such service.

(f) EXCEPTIONS. The clerk may instruct the debtor or the moving party to mail any notice.

**RULE 2002-5. REQUEST FOR NOTICE; NOTICE OF APPEARANCE**

(a) FILING. If an entity files a request for notice or notice of appearance under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 2002(~~1~~<sup>1</sup>) or 9010(b), the clerk shall 1) make a separate docket entry for the request or notice; 2) mail a copy of the request or notice, showing the date filed, to the trustee or examiner, the debtor in possession, and the United States Trustee; 3) add the entity's name and address to the matrix referred to in Local Rule 1007-2; 4) add the entity's name and address to the interested parties list; and 5) in a chapter 11 case, add the entity's name and address to the service list.

(b) WITHDRAWAL. Any entity wishing to withdraw its request for notice or notice of appearance shall file and serve a notice of withdrawal that complies substantially with Local Form 2002-5. Such notice of withdrawal shall be served on all entities listed in Local Rule 9013-3(a).

(c) REMOVAL FROM SERVICE LIST. Upon the filing of a notice of withdrawal, the clerk shall 1) make a separate docket entry for the notice of withdrawal, 2) remove the entity's name and address from the matrix, and 3) in a chapter 11 case, remove the entity's name and address from the service list.



**RULE 2003-1. MEETING OF CREDITORS**

In a chapter 7, 12 or 13 case, for purposes of ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 4003(b), the meeting of creditors shall be deemed concluded on the first date set for such meeting, unless within 30 days after such date the trustee serves and files a verified statement that the meeting has not been concluded. The statement shall be served on the debtor, the attorney for the debtor, the United States Trustee, each entity that appeared at the meeting of creditors, and each entity that has filed a request for notice or notice of appearance under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b). If such statement is served and filed, and unless ordered otherwise, the meeting shall not be deemed concluded until the case is closed or a report is filed by the trustee stating that the meeting has been concluded, whichever occurs first.

**RULE 2004-1. EXAMINATIONS**

(a) ORDER FOR EXAMINATION. A party seeking to examine the debtor or other entity under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2004 shall file with the court and serve on the United States Trustee an application for an order directing such examination. Before issuing the order, the court may direct that further notice be given or that a hearing be held. The court may issue any appropriate order

directing whether and the manner in which the examination shall be conducted.

(b) NOTICE OF EXAMINATION. If the application is granted, the party requesting the examination shall serve and file a notice of examination which shall identify the entity to be examined and the time and place for taking the examination. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice. Upon objection and for cause shown, the court may issue any appropriate order regarding the conduct of the examination.

Fed. R. Bankr. P. Reference 2005, 7026, 7027, 7028-32, 9014, 9016.

#### **RULE 2004-2. SPECIAL RELIEF WITH RESPECT TO DEBTOR**

A request under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2004(d) or 2005 shall be made by motion.

Fed. R. Bankr. P. Reference 2005, 7026, 7028-32, 9014, 9016.

#### **RULE 2014-1. EMPLOYMENT OF PROFESSIONAL PERSONS**

(a) APPLICATION FOR APPROVAL. Any entity seeking approval of employment of a professional person pursuant to § 327 or § 1103(a) of the Code and ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2014 shall ~~submit~~ file an application, a supporting affidavit or verified statement of the professional person, and a proposed order ~~to the United~~

~~States Trustee for review and recommendation~~ and serve the same on the United States Trustee, the trustee or examiner, all committees, and in a chapter 11, 12 or 13 case on the debtor's attorney.

(b) APPROVAL. Within five days after receipt of the application, ~~t~~The United States Trustee shall ~~file~~ forward the application and a report and recommendation regarding the proposed employment ~~to the court~~ and serve a copy of the same on the applicant. If the United States Trustee declines to recommend the employment of the applicant, the applicant shall schedule a hearing on the application and send notice of the hearing to the parties listed in subsection (a) of this Rule. Upon entry of an order approving such employment, the order shall be deemed effective as of the date the application was ~~received by the United States Trustee~~ filed.

(c) SCOPE OF EMPLOYMENT. An entity seeking approval of employment of a professional person for a purpose other than carrying out the entity's duties under the Code shall make a separate application.

#### **RULE 2015-1. TRUSTEE'S REPORT IN CHAPTER 12 AND 13 CASES**

Upon being served with a copy of a motion to dismiss or convert a case, to remove a debtor as debtor in possession, or for relief from the automatic stay, the trustee in a chapter 12 or 13 case shall serve on all parties in interest and file with the clerk a brief ~~verified~~ report

RULES 2014-1, 2015-1

containing information on the payments made by the debtor to the trustee and timeliness thereof, the payments made by the trustee to each secured creditor and to creditors in general, and the trustee's recommendations, if any, to the court.

**RULE 2016-1.    COMPENSATION OF PROFESSIONAL PERSONS**

(a)    CHAPTER 7 CASES. A professional person seeking compensation in a chapter 7 case shall file an application complying with paragraph (c) of this rule and serve copies on the trustee and the United States Trustee. The application shall be reviewed as part of the trustee's final report and account.

(b)    CHAPTER 11, 12 AND 13 CASES. Except as provided in paragraph (d) of this rule, a request for an order allowing or authorizing payment of compensation of a professional person in a chapter 11, 12 or 13 case shall be made by motion, but no memorandum of facts and law is required. The application shall comply with paragraph (c) of this rule. The moving papers shall be served not later than 20 days before the hearing date.

(c)    CONTENTS OF APPLICATIONS. Except as provided in paragraph (d) of this rule, an application for compensation of a professional person shall

(1)    Include a copy of the order, if any, approving the applicant's employment or, if the applicant is a trustee or an examiner in a chapter 11 case, a copy of the applicant's

appointment by the United States Trustee;

(2) State the date and amount of any retainer paid to the applicant and its source;

(3) State the dates and amounts of all previous applications and their dispositions, including amounts allowed and paid;

(4) State the date that a plan, if any, was confirmed;

(5) Itemize all unpaid administrative expenses known to the applicant or the applicant's client;

(6) State in narrative form the services performed, the amount of time involved, the results achieved and the amount requested for fees and reimbursement of expenses;

(7) Include an itemization of time separated by task or proceeding stating for each task or proceeding:

(i) A description of the task or proceeding;

(ii) A detailed list and description of each increment of time expended on the task or proceeding; and

(iii) The name and capacity of the person who ~~expended~~ the time;

(8) State the hourly rate being charged for each person whose time is included in the application; and

(9) Provide a detailed itemization of all expenses, including unit costs where applicable.

(d) DEBTORS' ATTORNEYS IN CHAPTER 13 CASES.

(1) Preconfirmation Services. A debtor's attorney in a chapter 13 case may request an order allowing or authorizing payment of compensation by simplified application, and the court may issue the requested order without a hearing, provided that the amount of compensation does not exceed \$~~850~~1250. The simplified application need not comply with ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 2016 or paragraph (c) of this rule and shall conform substantially to Local Form 2016-1.

(2) Postconfirmation Services. In a chapter 13 case, an attorney who represents a debtor ~~in a bankruptcy court proceeding~~ after confirmation of a plan ~~in resolving motions for relief from stay and motions for dismissal, filing motions for sale of real estate and preparing modified plans,~~ may file ~~an administrative expense proof of claim in triplicate for an amount not to exceed \$150g.~~ A simplified application ~~for allowance of attorney fees and expenses in an amount not to exceed \$225.00 per proceeding and a proposed order.~~ ~~for award and allowance shall be attached to the claim.~~ If the court enters the order, the trustee ~~at Minneapolis-St. Paul or the clerk otherwise~~ shall transmit ~~send~~ a copy of the claim to the debtor and ~~the trustee shall forthwith integrate the claim into the records and equipment~~

~~of the trustee for immediate payment as funds are available for such payment. Any claim filed under this rule is subject to objection and shall pay the amount allowed pursuant to the debtor's plan. a~~Any order made under this rule is subject to review at any time.

#### **RULE 2020-1. UNITED STATES TRUSTEE**

(a) SERVICE. Proofs of claim, and pleadings filed in adversary proceedings arising under §523 of the Code, shall not be served on the United States Trustee. The United States Trustee shall be served with a copy of every other order, complaint, application, motion, response, notice, objection, pleading or other paper required to be served under applicable bankruptcy and local rules.

(b) REPORTS; INFORMATION. The trustee and the debtor shall comply with all reasonable requirements promulgated by the United States Trustee with respect to filing reports and furnishing information and the debtor shall cooperate with the trustee and the United States Trustee in furnishing information reasonably required for the proper administration of the estate. Such reports and information shall not be filed with the clerk.

### **PART III**

#### **CLAIMS AND DISTRIBUTION; PLANS**

#### **RULE 3002-1. FILING PROOFS OF CLAIMS**

(a) NUMBER. In a chapter 7 or 11 case, only one proof of claim shall be filed. In a chapter 12 case, proofs of claim shall be filed in triplicate. In a chapter 13 case, proofs of claim shall be filed in duplicate.

(b) TRANSMISSION OF COPIES. In a chapter 12 case, the clerk shall send a copy of each proof of claim to the trustee and to the attorney for the debtor. In a chapter 13 case, the clerk shall send a copy of each proof of claim to the trustee.

(c) TIMELINESS OF PROOFS OF CLAIMS. In a Chapter 11 case, the last day to timely file a proof of claim is fixed at 90 days after the date first set for the meeting of creditors.

Fed. R. Bankr. P. Reference 3003.

#### **RULE 3002-2. ADMINISTRATIVE EXPENSE CLAIMS**

(a) CHAPTER 7 CASES. In a chapter 7 case, an entity, except a professional person governed by Local Rule 2016-1, requesting payment of an administrative expense shall file a ~~proof of claim~~ request for payment asserting priority status and serve copies on the trustee and the United States Trustee. If the request is made under §§503(b)(4) or (b)(5) of the Code, the entity shall also file an application and serve copies on the trustee and the United States Trustee.

(b) CHAPTER 11, 12 AND 13 CASES. In a chapter 11, 12 or 13 case, a request for payment of an administrative expense shall be made by



motion.

(c) **CONVERSION TO CHAPTER 7** . Holders of administrative expense claims incurred after the commencement of a case under Chapters 11, 12 and 13, but before conversion to a case under Chapter 7, shall, after conversion, file a request for payment and serve the same upon the trustee within the time fixed by the court. The request for payment shall conform substantially to Local Form 3002-2(c).

#### **RULE 3002-3. PROOFS OF INTEREST**

Unless ordered otherwise, if the debtor is a corporation or limited partnership, a proof of interest shall not be filed by a shareholder, limited partner or other equity security holder of the debtor.

Fed. R. Bankr. P. Reference 3003.

#### ~~**RULE 3002-4. CLAIMS AGAINST SURPLUS**~~

~~If the trustee reports a surplus, the clerk shall mail a notice stating that the last day to file a timely claim against the surplus under Bankruptcy Rule 3002(c)(6) is 20 days after the date the notice was mailed.~~

~~Fed. R. Bankr. P. Reference 3009, 3010, 3011.~~

#### **RULE 3007-1. CLAIMS - OBJECTIONS**

An entity objecting to a claim shall file and serve a motion and copy of the claim only on the claimant, the debtor, the debtor's

attorney, the trustee or examiner, the United States Trustee, and all committees not less than 30 days before the hearing. If the objector intends to assert a counterclaim against the claimant, the objector shall file and serve a complaint for such relief under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 7001 and shall include the objection to the claim in the complaint.

**RULE 3009-1. DIVIDENDS - CHAPTER 7 CASES**

(a) SECURED OR PRIORITY CLAIMS. Any claim, except a claim for taxes secured by a tax lien, which states that the claim is secured without ~~designating any part thereof as being unsecured~~ specifying the dollar value of the collateral shall be deemed filed as a fully secured claim and no distribution shall be made on account of such claim. Any claim which states that the claim is secured and states that the value of the collateral securing such claim is less than the amount of the secured claim shall be deemed to designate a part of the claim as unsecured in an amount equal to the difference between the secured claim and the value of the collateral. Any claim which states that the amount claimed is a priority claim without specifying any basis for such priority may be treated as a nonpriority unsecured claim for the amount of the claim.

(b) DISTRIBUTION PURSUANT TO FINAL REPORT AND ACCOUNT.

(1) Generally. If there are no timely objections to the trustee's final report and account, the trustee shall make

distributions in accordance with the report, except for compensation and reimbursement of expenses under §§ 503(b)(2), (b)(4) or (b)(5) which shall be made only to the extent allowed and awarded by the court.

(2) Distributions in Minimal Asset Cases. If the net proceeds realized do not exceed \$1500 after payment of administrative expenses, the trustee shall make distribution for expenses and claims without notice, subject to the limitations in subparagraph (1) of this paragraph regarding payment of compensation and reimbursement of expenses.

(3) Discovery of Additional Assets. If additional funds are realized for the estate after final distribution has been made, whether or not the case has been closed, the trustee shall file a trustee's supplemental final report and account, and make payment on unpaid expenses and claims without further notice.

**RULE 3010-1. DIVIDENDS - SMALL (CHAPTER 13 CASES)**

Pursuant to ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 3010(b), the trustee in a chapter 13 case may make payments of less than \$15.

**RULE 3011-1. UNCLAIMED DIVIDENDS**

(a) ~~[ABROGATED] DEPOSIT IN MINIMAL DISTRIBUTION CASES. If the net~~

~~proceeds realized do not exceed \$1500 and the dividend payable on every allowed nonpriority unsecured claim would be less than \$5.00, the trustee may treat the entire amount payable on such claims as unclaimed dividends and deposit the same with the court without computing dividends or filing a list of persons entitled to dividends.~~

(b) UNCLAIMED DIVIDENDS IN EXCESS OF \$500. A trustee shall not pay a dividend which exceeds \$500 into the court unless such payment is accompanied by a report from the trustee stating that the trustee has been unable to locate the creditor who filed the claim despite having made reasonable efforts to do so. ~~Upon review and written approval by the United States Trustee, a trustee who files the report described herein may retain as an approved administrative expense up to \$25 from the original proposed dividend for actual out-of-pocket expenses incurred in attempting to locate the creditor prior to paying the balance into the court or to the creditor. The trustee may retain such sum for out-of-pocket expenses without notice, hearing, or order of the court.~~

**RULE 3015-1. CHAPTERS 12 and 13 - PLANS**

(a) A chapter 13 plan shall conform to Local Form 3015-1. The plan shall be dated and signed by the debtor.

(b) The clerk shall mail copies of plans in chapter 12 and 13 cases to the appropriate parties. The debtor shall supply sufficient copies of the plan to the clerk for such mailing.

**RULE 3015-2. CHAPTER 13 - MODIFICATION OF PLANS**

(a) MODIFICATION BEFORE CONFIRMATION. The debtor in a chapter 13 case may file a modified plan anytime before confirmation. The plan shall conform to Local Form 3015-1 except that it shall be labeled "Modified Plan." The debtor shall serve notice of the modification together with a copy of the modified plan on the trustee, the United States Trustee, and each creditor whose treatment is adversely changed by the modification and who has not accepted the change in writing. The notice shall be delivered not later than seven days, including intermediate Saturdays, Sundays, and legal holidays, or mailed not later than ten days before the confirmation hearing. The notice shall indicate the date, time and place of the confirmation hearing. Notwithstanding the provisions of Local Rule 3015-3, any objection to a modified plan filed preconfirmation shall be delivered not later than 24 hours prior to the time and date set for the confirmation hearing or mailed not later than three days prior to the date set for the confirmation hearing.

(b) POSTCONFIRMATION MODIFICATION. Local Rule 3019-2 applies to postconfirmation modification of a Chapter 13 plan.

**Fed. R. Bankr. P. Reference 3019.**

**RULE 3015-3. CHAPTERS 12 AND 13 - CONFIRMATION (OBJECTIONS)**

Local Rules 3020-1 and 3020-3 apply to objections to confirmation

of a Chapter 12 or 13 plan.

**RULE 3016-1. CHAPTER 11 - PLAN (SIGNATURE)**

Every proposed disclosure statement, approved disclosure statement, and plan shall be dated and signed by the proponent.

**Fed. R. Bankr. P. Reference 3015.**

**RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL**

(a) SERVICE OF PROPOSED DISCLOSURE STATEMENTS AND PLANS. Within ten days after a plan and proposed disclosure statement have been filed in a chapter 11 case, the proponent shall serve copies on all entities specified in Local Rule ~~9013-4~~ 9013-3(a)(2) and file proof of such service.

(b) SERVICE OF APPROVED DISCLOSURE STATEMENTS AND PLANS. Unless ordered otherwise, in a chapter 11 case the proponent shall serve copies of the following on all creditors, equity security holders and other parties in interest as provided in Local Rule 2002-1(b) and file proof of such service: 1) the order for a confirmation hearing; 2) the approved disclosure statement; 3) the plan; and 4) the approved official form ballot.

(c) OBJECTIONS TO DISCLOSURE STATEMENTS. Local Rule 3020-1 applies to objections to proposed disclosure statements.

**Fed. R. Bankr. P. Reference 3020.**

**RULE 3017.1-1    SMALL BUSINESS DEBTOR DISCLOSURE STATEMENT-  
CONDITIONAL AND FINAL APPROVAL**

**(a) FILING OF PROPOSED DISCLOSURE STATEMENT, PLAN AND APPLICATION.**

If the debtor has elected treatment as a small business, the proponent of the plan shall file a proposed plan and disclosure statement together with an application requesting conditional approval of the disclosure statement within the time period specified in §1121(e) of the Code. Copies of the proposed plan and disclosure statement, together with the application, shall be served on the debtor, the United States Trustee and, if one has been appointed, on the committee of unsecured creditors.

**(b) REVIEW AND COMMENT BY UNITED STATES TRUSTEE.** The United States Trustee and any Committee shall serve and file written objections, if any, to the terms of the proposed disclosure statement within seven days of service of the proposed disclosure statement and plan on the United States Trustee or Committee. If no timely objections are served and filed, then the court may enter an order conditionally approving the disclosure statement. If objections are timely filed, the court may schedule a hearing on the objections or may enter an order granting or denying conditional approval of the disclosure statement without a hearing.

**(c) SERVICE OF CONDITIONALLY APPROVED DISCLOSURE STATEMENTS AND PLANS.** If the court conditionally approves the disclosure statement and unless the court orders otherwise, the proponent shall serve copies of

the conditionally approved plan and disclosure statement, an approved ballot to accept or reject the plan, and the order conditionally approving the disclosure statement on all creditors, equity security holders, and other parties in interest as provided in Local Rule 2002-1(b), and file proof of such service with the clerk.

(d) OBJECTIONS TO DISCLOSURE STATEMENTS. Local Rule 3020-1 applies to objections to conditionally approved disclosure statements and objections to confirmation of the plan filed in a case where the debtor has elected treatment as a small business.

**RULE 3019-1. CHAPTERS 11 AND 12 - PRECONFIRMATION MODIFICATION**

The proponent of a plan in a chapter 11 or 12 case may file a modified plan anytime before confirmation. ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 3019 governs acceptances of modified plans.

**RULE 3019-2. CHAPTER 11 - POSTCONFIRMATION MODIFICATION**

A request to ~~confirm~~ ~~modify~~ a modified plan after confirmation shall be made by motion. The movant shall serve the motion on each entity listed in the matrix referred to in Local Rule 1007-2.

**RULE 3020-1. CHAPTER 11 - CONFIRMATION (OBJECTIONS)**

(a) FORM. Local Rules 9013-2(b)-(e) and 9013-3(a)(2) apply to objections to confirmation of chapter 11 plans.

(b) SERVICE. Unless ordered otherwise, the objector shall serve



copies of the objection on 1) the attorney for the proponent; 2) the attorney for the debtor; 3) the trustee or examiner; 4) the attorneys for all committees; and 5) the United States Trustee.

(c) TIME FOR SERVICE AND FILING. The objection shall be delivered not later than five days, including intermediate Saturdays, Sundays, and legal holidays, or mailed not later than eight days before the hearing date. The objection shall be filed not later than one day after service.

**Fed. R. Bankr. P. Reference 3017.**

#### **RULE 3020-2. CHAPTER 11 - CONFIRMATION (REPORTS ON BALLOTING)**

In a chapter 11 case, the attorneys for the proponent and the committee of unsecured creditors shall count the ballots and file a report of the tabulation not later than 24 hours before the confirmation hearing. The report shall conform substantially to Local Form 3020-2.

**Fed. R. Bankr. P. Reference 3018.**

#### **RULE 3020-3. CHAPTER 11 - CONFIRMATION (HEARINGS)**

In the event an objection to confirmation is filed, the court may treat the date set for hearing on confirmation as either a preliminary or final hearing.

### **PART IV**

#### **THE DEBTOR: DUTIES AND BENEFITS**

**RULE 4001-1. RELIEF FROM STAY FOR TAXING AUTHORITY**

Unless on motion the court orders otherwise in a particular case, the automatic stay provided in § 362 of the Code is modified with respect to taxes on income only to the extent necessary to permit the Internal Revenue Service and any state and local taxing authorities to issue notices of tax deficiencies, to assess taxes, to make refunds on tax returns, and to setoff refunds against assessed taxes due in the ordinary course of business with respect to any debtor.

**RULE 4001-2. CASH COLLATERAL**

(a) STATEMENTS TO SUPPORT MOTION. The debtor shall attach separate verified statements regarding the following items to any motion for use of cash collateral: 1) the debtor's calculation of the amount of debt secured by the collateral; 2) the debtor's description of the collateral and estimate of the collateral's value on the date of the filing of the petition and at the beginning of the period of time for which the debtor currently seeks authorization to use cash collateral; 3) the debtor's description of the collateral and estimate of the collateral's value at the end of the period of time for which the debtor currently seeks authorization to use cash collateral; and 4) the debtor's cash flow projections.

(b) PRELIMINARY HEARING. If the hearing on a motion for use of cash collateral is a preliminary hearing pursuant to ~~Bankruptcy Rule~~

Federal Rule of Bankruptcy Procedure 4001(b)(2), the debtor's separate verified statement shall contain an itemization of the proposed uses of cash collateral that are required to avoid immediate and irreparable harm to the estate pending a final hearing on the motion.

**RULE 4002-1. DEBTOR - DUTIES (CHANGE OF ADDRESS)**

The debtor shall immediately file a change of address whenever the debtor's mailing address is changed or needs correction. The mailing address of the debtor stated in a voluntary petition shall be the address for service by mail of any paper upon the debtor unless the debtor files such change of address.

**RULE 4003-1. EXEMPTIONS**

(a) OBJECTIONS. An objection to a claim of exemption shall be made by motion. If an amendment to a claim of exemption is filed after an objection has been filed, the objection shall be deemed an objection to the amended claim of exemption. If an objection was filed and not withdrawn and the court did not rule on the objection before the case was closed, the objection shall be deemed withdrawn.

(b) CERTIFICATE.

(1) Form; Issuance. Except as provided in subparagraph (2) of this paragraph, the clerk shall, upon request, issue a certificate regarding property claimed as exempt. The certificate shall conform substantially to Local Form 4003-1,

and copies of schedule C and any amendments shall be attached.

(2) Time.

(1) Chapter 7, 12 and 13 Cases. The clerk shall not issue a certificate less than 31 days after: 1) the first date set for the meeting of creditors or 2) the date on which the schedule C or any amendment thereto was filed, whichever is later. The clerk also shall not issue a certificate if: 1) the trustee in a chapter 7 case has timely filed a verified statement indicating that the meeting of creditors has not been concluded, the trustee has not filed a report indicating that the meeting has been concluded, and the case has not been closed; 2) any objection to a claim of exemption has been filed, whether or not an amended schedule C has been filed, unless the objection has been resolved, in which event the clerk shall note the results of such resolution on the certificate; or 3) the time for filing objections has been extended and the period has not expired.

(ii) Chapter 11 Cases. Unless ordered otherwise, the clerk shall not issue a certificate until after confirmation of a plan.

**RULE 4004-1. DISCHARGE UNDER CHAPTERS 12 AND 13**

(a) DISCHARGE AFTER PLAN PAYMENTS COMPLETED. Upon completion of all applicable payments under the plan or modified plan in a chapter 12 or 13 case, the trustee shall file a final report and account, and the court will forthwith enter an order discharging the debtor without further hearing.

(b) HARDSHIP DISCHARGE. If a debtor in a chapter 12 or 13 case files a motion for discharge under §§1228(b) or 1328(b) of the Code, the court will enter an order setting the date for a hearing and fixing the time for filing a complaint to determine the dischargeability of a debt.

**RULE 4004-3. DEFERRAL OF ENTRY OF DISCHARGE**

If the trustee in a chapter 7 case serves and files a verified statement under Local Rule 4003-1 that the meeting of creditors has not been concluded, the court may defer entry of discharge until the case is closed or the trustee files a report stating that the meeting has been concluded, whichever occurs first.

**RULE 4008-1. REAFFIRMATION**

(a) HEARING. If a reaffirmation agreement that was made after the filing of the petition but before entry of the discharge is filed with the clerk under §524(c)(3) of the Code, and if the debtor was not represented by an attorney during the course of negotiating such agreement or if the non-debtor party to the agreement is the debtor's

attorney, the clerk shall schedule a discharge hearing under §524(d) of the Code and mail a notice of such hearing to the debtor, the attorney for the debtor, the creditor, the trustee and the United States Trustee.

(b) FORM. An agreement to reaffirm a debt in whole or in part may be adapted from Local Form 4008-1.

## **PART V**

### **COURTS AND CLERKS**

#### **~~RULE 5003-4. CLERK — RECORD OF JUDGMENTS AND ORDERS~~**

~~The clerk shall maintain and keep secure a separate book or file with appropriate indexing containing a copy of every final order entered in a bankruptcy case affecting title to or a lien upon real property or for the recovery of money or property and a copy of every final judgment in an adversary proceeding. Upon request, the clerk shall provide certified copies of the original order or judgment.~~

#### **RULE 5005-1. FILING PAPERS - REQUIREMENTS**

(a) PLACE OF FILING. All papers relating to a bankruptcy case or to an adversary proceeding shall be filed with the office of the clerk of bankruptcy court where the case or proceeding is pending.

(b) RECEIPT. Upon receipt, the clerk shall date and time stamp every paper received for filing on the reverse side of its first page. Papers received after 4:00 p.m. may be otherwise processed as if

received the following day. Any person filing a paper shall indicate at the time of filing whether the paper needs to be processed on an expedited basis.

(c) "CHAMBERS COPIES" OF PAPERS. Unless a judge requests otherwise in a particular matter, parties shall not transmit separate copies of papers to the judge.

#### **RULE 5010-1. REOPENING CASES**

(a) REOPENING UNNECESSARY. Reopening a case is not necessary where the debtor or a creditor proposes:

- (1) to request relief that could be granted on application if the case were reopened;
- (2) to commence an adversary proceeding to determine the dischargeability of a debt under §523 of the Code or to enforce rights under §§524 or 525 of the Code; or
- (3) to request that the clerk add the name and address of an omitted creditor to the matrix ~~and the clerk's schedule D-E-F addendum sheet~~ in a closed case, such addition having the effect of merely entitling the added creditor to receive notices if the case is reopened and notices issued but having no effect on the dischargeability of the debt.

(b) REOPENING NECESSARY. An entity which proposes to request any relief except as provided in paragraph (a) of this rule or to file any paper shall obtain an order reopening the case before requesting such

relief or filing such paper.

(c) APPLICATION. A request to reopen a case shall be made by application. The application shall be served on the debtor, the United States Trustee and the trustee that served in the case. The court may rule on the application without ~~conducting~~ a hearing.

(d) FILING FEE.

(1) Payment Required. Unless the fee may be waived or deferred, the applicant shall tender a filing fee to the clerk at the time the application to reopen is filed.

(2) Waiver. The filing fee may be waived ~~only~~ where opening is requested in order to correct an administrative error by the court or the clerk.

(3) Deferral. If the applicant is the former ~~chapter 7~~ trustee, ~~seeking to administer newly discovered assets~~, the filing fee shall be deferred and shall be paid only from the estate and to the extent there is any value realized by the estate.

#### **RULE 5011-1. WITHDRAWAL OF REFERENCE**

A request for withdrawal of reference shall be made by motion filed with the clerk of the bankruptcy court. The motion shall show that relief by way of abstention, remand or transfer was first sought and not obtained or could not be sought from the bankruptcy court. Any other party in interest may serve and file a response within ten days after



service of the motion. The clerk shall retain each original paper and transmit a certified copy of each paper to the clerk of the district court who shall file and treat the papers as a civil action and deliver the papers to a district judge for disposition. A motion for a stay under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 5011(c) shall first be made to the bankruptcy court. If such relief is later sought in the district court, the request shall be made by additional motion filed with the clerk of district court, which shall show that the relief requested was first sought and not obtained from the bankruptcy court. If withdrawal is ordered, the clerk shall transmit all papers in the relevant file and the docket to the clerk of district court who shall file and treat the papers as a civil action filed in the district court and assign the action to a district judge. These local rules shall continue to apply unless the district court orders otherwise.

#### **RULE 5011-3. TRANSFER OF PROCEEDING**

(a) TRANSFER. On the judge's own initiative or on motion of a party in interest, the bankruptcy judge shall transfer to the district court: 1) any proceeding in which the court has determined that there is a right to trial by jury of the issues for which a jury trial has been timely demanded, and the parties have not consented to the bankruptcy judge conducting the jury trial; 2) any personal injury tort or wrongful death claim; and 3) any proceeding in which the court has determined that resolution of the proceeding requires consideration both

of title 11 and other laws of the United States regulating organizations and activities affecting interstate commerce, and may transfer any non-core proceeding in which a party has not consented to entry of final orders by the bankruptcy court.

(b) FILE. Upon entry of an order for transfer of a proceeding, the clerk shall transmit the docket and all papers in the relevant file to the clerk of the district court who shall file and treat such papers as a civil action filed in the district court and assign the action to a district judge.

#### **RULE 5071-1 SCHEDULING; CONTINUANCE**

A calendar for all trials and hearings shall be maintained for and as determined by each judge. The party seeking a hearing shall arrange dates for all hearings with the calendar clerk for the judge assigned the case or proceeding. Continuances may be granted only by the court and ordinarily will not be granted prior to the hearing if all creditors have received notice of the hearing. If a continuance is granted before the hearing, the party requesting the continuance shall notify each entity receiving notice of the hearing of such continuance and the date for the rescheduled hearing.

#### **~~RULE 5077-1. TRANSCRIPTS~~**

~~(a) PREPARED TRANSCRIPTS. A transcript of any court proceeding, not including a meeting of creditors, shall be filed under 28 U.S.C. §~~

~~753(b). The clerk shall place the transcript with the file of other papers relating to the proceeding and make it available for public use. If a party orders preparation of a transcript, the party shall notify all other parties to the proceeding in question. Unless ordered by the court, a typed transcript shall not be prepared without a deposit. The transcript shall not be furnished until paid for in full.~~

~~— (b) ELECTRONIC RECORDINGS. Copies of tape recordings of electronically recorded proceedings are available from the clerk.~~

~~Fed. R. Bankr. P. Reference 5006.~~

#### **RULE 5095-1. REGISTRY FUND DEPOSIT OF FUNDS; WITHDRAWAL**

(a) DEPOSIT OF FUNDS. Unless ordered otherwise or governed by Local Rule 7067-1, all monies coming into the registry of the court shall be deposited under 28 U.S.C. §2041 with the Treasurer of the United States without interest subject to withdrawal by order of the court pursuant to 28 U.S.C. §2042. If the court orders otherwise, counsel shall prepare a proposed order designating the depository, identifying the tax identification number of the entity responsible for any interest earned, and specifying all applicable terms of the deposit, stating that the parties assume all risks if any of the deposit, and providing that the parties, and not the clerk, are responsible for interest rates or renewal dates and all subsequent orders which may be necessary or appropriate. A deposit fee shall be collected by the clerk pursuant to the Judicial Conference Schedule of Fees.

(b) WITHDRAWAL OF UNCLAIMED DIVIDENDS. Withdrawal under 28 U.S.C. §2042 of funds deposited under §347 of the Code by any entity other than the original claimant or its successor is governed by ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 3001(e). For such purposes, the alleged transferee shall include the current name and address of the original claimant with the evidence of the transfer filed by the transferee. The clerk's notice shall be mailed to the transferee and to the original claimant at each address available.

Fed. R. Bankr. P. Reference 5007.

## **PART VI**

### **COLLECTION AND LIQUIDATION OF THE ESTATE**

#### **RULE 6004-1. SALE OF ESTATE PROPERTY**

(a) CHAPTER 7 CASES - GENERAL NOTICE. Except as otherwise provided in this rule, in a chapter 7 case the clerk shall give not less than 20 days notice by mail to all entities listed in the matrix referred to in Local Rule 1007-2 of any proposed sale or other disposition of estate property by the trustee under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 2002(a)(2) or (3), unless the trustee mails the notice and files proof of such service. The notice shall conform substantially to Local Form 6004-1(a).

(b) CHAPTER 7 CASES - LIMITED NOTICE.

(1) Generally; Form. If approved by the United States

Trustee under subparagraph (3) of this paragraph, a trustee may sell property where the value to the estate is less than \$5000, after serving notice of the proposed disposition only on the United States Trustee, each entity that has filed a request for notice or notice of appearance under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 2002(I) or 9010(b), and each member of any creditors' committee. The notice shall conform substantially to Local Form 6004-1(a).

(2) Service of Notice. The notice shall be delivered not later than seven days, including intermediate Saturdays, Sundays, and legal holidays, or mailed not later than ten days before the date set for the proposed disposition. Along with the original notice, the trustee shall also serve on the United States Trustee 1) a proposed certificate approving use of limited notice and the proposed disposition and 2) proof of service of the notice.

(3) Approval. If the United States Trustee approves limited notice and the proposed disposition, the United States Trustee shall file the notice, the certificate and the proof of service.

(4) Disapproval. If the United States Trustee disapproves the limited notice or the proposed disposition, the trustee shall comply with paragraph (a) of this rule.

(c) CHAPTER 7 CASES - OBJECTIONS TO DISPOSITION. An objection to

a proposed disposition under this rule shall be delivered to the trustee and the United States Trustee and filed not later than 12:00 o'clock noon the day before the date set for the proposed disposition. If the trustee receives an offer in writing to purchase property being sold at private sale before the time to file an objection to the sale has expired, the trustee shall file the offer and the offer shall be deemed an objection timely served and filed. If the trustee accepts the offer or another offer and the court approves the sale, the objection shall be deemed sustained.

(d) CHAPTER 7 CASES - CERTIFICATE. Upon request of the trustee, the clerk shall issue a certificate conforming substantially to Local Form 6004-1(d) if no objection has been timely filed or all filed objections have been resolved. Copies of the notice and the certificate of approval if any shall be attached to the certificate. If the court has entered any order with respect to the proposed disposition, the clerk shall issue the certificate with a copy of the order attached.

(e) ~~CHAPTER 11 CASES~~ UNDER CHAPTERS 11, 12 AND 13. In a chapter 11, 12, or 13 case, a request for approval of any proposed sale, or other disposition of property of the estate shall be made by motion. Local Rules 2002-1 and 2002-4(a) govern preparation and mailing of the notice to creditors.

(f) INSTRUMENTS TRANSFERRING REAL PROPERTY. An instrument of transfer of real property located in Minnesota by the trustee or debtor in possession shall conform substantially to Local Form 6004-1(f).

**RULE 6007-1. ABANDONMENT**

Local Rule 6004-1 applies generally to abandonments, except that the trustee in a chapter 7 case may use the limited notice of Local Rule 6004-1(b)(1) regardless of the value of the asset abandoned.

**RULE 6007-2. ABANDONMENT - HAZARDOUS SUBSTANCES**

If the trustee or debtor in possession proposes to abandon commercial or industrial property, whether real or personal, which the trustee or debtor in possession believes may contain a hazardous substance as defined in Minn. Stat. §115B.02, subd. 8 or other applicable law, or on which the trustee or debtor in possession believes environmental contamination or a release or threatened release of a hazardous substance may exist, the trustee or debtor in possession shall serve notice of the proposed abandonment on the Environmental Protection Agency and the Attorney General for the state where the property is located.

**RULE 6071-1. TURNOVER PROCEEDINGS - ABSTENTION**

Unless ordered otherwise, the court will abstain from and dismiss a complaint for collection of a debt under §542(b) of the Code if the amount in controversy is less than \$10,000.

**RULE 6072-1.    TURNOVER PROCEEDINGS - MOTION**

If upon demand an entity has refused to deliver to the trustee tangible property of a kind specified in §542(a) of the Code, the value of the property is less than \$10,000 and the property is located within the District of Minnesota, the trustee may seek an order for turnover by way of motion. At any time, on motion and for cause, the court may convert the proceeding to an adversary proceeding.

**PART VII**

**ADVERSARY PROCEEDINGS**

**RULE 7004-2.    SUMMONS**

Upon the filing of a complaint commencing an adversary proceeding, the clerk shall issue the summons.

**RULE 7005-2.    FILING OF DISCOVERY MATERIALS**

Unless ordered otherwise, no discovery papers shall be filed, except that limited excerpts may be attached as exhibits to motions and responses.

~~**RULE 7005-3.    ENTITIES SERVED IN ADVERSARY PROCEEDINGS**~~

~~—Moving and responsive papers in an adversary proceeding shall be served on all other parties to the proceeding and, except in adversary proceedings under §523 of the Code, on the United States Trustee.~~



**RULE 7007-1. MOTION PRACTICE (IN ADVERSARY PROCEEDINGS)**

(a) Local Rules 9013-1, 9013-2, 9006-1, and 9017-1 govern motions and responses in adversary proceedings.

(b) A motion in an adversary proceeding may not include a request for relief which is properly made by motion in the bankruptcy case.

~~**RULE 7016-1. PRE-TRIAL PROCEDURES**~~

~~Within 90 days after the filing of a complaint, the court will order a scheduling conference and will thereafter enter a scheduling order. The attorneys for the parties and pro se parties are required to appear in person at the scheduling conference unless a written or telephonic request for leave to conduct the conference telephonically is made to the judge's calendar clerk at least ten days prior to the scheduled date. The allowance of the telephonic appearance is solely within the discretion of the judge.~~

**RULE 7018-1. JOINDER OF CLAIMS/REMEDIES**

Except as provided in Local Rule 3007-1 a complaint shall not include a request for relief which is properly made by motion in a bankruptcy case, including a request for relief from the stay or for dismissal or conversion of a case.

RULES 7005-2, 7005-3, 7007-1, 7016-1

**~~RULE 7026-1. DISCOVERY - GENERAL~~**

~~Unless the court orders otherwise in a particular proceeding, the provisions of Fed. R. Civ. P. 26(a)(1) (mandatory disclosure), 26(f) (mandatory meeting before scheduling conference/discovery plan), 26(a)(2) (disclosure re: expert testimony), and 26(a)(3) (additional pre-trial disclosure), as incorporated by Bankruptcy Rules 9014 and 7026, shall not apply in adversary proceedings, motions, and applications.~~

**~~RULE 7027-1. DEPOSITIONS~~**

~~Depositions in adversary proceedings or in contested matters in bankruptcy cases are governed by the discovery rules applicable under provisions of the Bankruptcy Rules other than Rule 2004.~~

**RULE 7037-1. DISCOVERY MOTIONS**

No motion relating to contested discovery shall be heard unless it affirmatively appears that the parties have conferred and attempted to resolve their differences. The discovering party shall arrange such a conference which shall be held within five days from the date of a written request for a discovery conference. Not later than 24 hours before the hearing on such motion, the parties shall file a statement setting forth the matters upon which they have been unable to agree,

together with memoranda in support of or in opposition to their respective contentions. Unless ordered otherwise, the hearing on the motion shall be deemed the hearing on award of expenses including attorney's fees under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 7037.

**RULE 7041-1. DISMISSAL OF ADVERSARY PROCEEDINGS**

A complaint objecting to discharge or seeking revocation of discharge, other than one brought by a trustee or the United States Trustee, shall not be dismissed at the plaintiff's instance except by order of the court after hearing on motion made in the adversary proceeding. The plaintiff shall serve the motion on all creditors and other parties in interest. The plaintiff also shall file an affidavit stating that nothing has been received by or promised to the plaintiff in consideration of the request for dismissal.

**RULE 7054-1. COSTS - TAXATION/PAYMENT**

Five days after the prevailing party has served and filed a verified bill of costs under 28 U.S.C. §§1920 and 1924, the clerk shall tax costs ~~by entry of a separate costs judgment under Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 7054(b), ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8014, or FED. R. APP. P. 39 ~~unless within that time the losing party files and serves an objection on the taxing party. On~~

~~motion of any party served and filed within five days after the clerk enters judgment taxing costs, the action of the clerk may be reviewed by the court. Unless ordered otherwise, costs shall be taxed by the clerk under Bankruptcy Rule 7054(b) only if the order for judgment directs entry of a judgment for a sum certain or for turnover of particularized property~~ the court allows costs to the prevailing party.

On motion of any party served and filed within five days after the clerk enters judgment taxing costs, the action of the clerk may be reviewed by the court.

#### **RULE 7055-1. DEFAULT JUDGMENT**

A party seeking default judgment shall serve on any party in default and file: 1) an application for default judgment; 2) an affidavit of default stating that no defense or other response of any kind has been received or, if one has been received, detailing the defense or other response received; 3) an affidavit of identification of the defaulting party including address and military or infancy or competence status; 4) an affidavit on the merits and the amount due including costs and disbursements by a person with personal knowledge; and 5) proposed findings of fact, conclusions of law and order for judgment. If the summons and complaint were served by mail and then returned by the postal service, the party seeking judgment shall disclose that to the court by affidavit. If the ~~party seeking default judgment serves the~~

application for default judgment was served by mail and then returned by the postal service, the party seeking judgment shall disclose that to the court ~~if the mailed application was not delivered and returned by the post office by filing an affidavit to such effect.~~ The court may, in its discretion, ~~order~~ hold a hearing before entry of default judgment.

#### **RULE 7067-1. DEPOSIT OF FUNDS IN CONTROVERSY**

Parties contemplating deposit under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 7067 are subject to Local Rule 5095-1(a) and shall to the extent practicable arrange instead for a banking or other depository to hold funds in escrow at interest upon appropriate terms and conditions but at their own risk.

#### **RULE 7069-1. POSTJUDGMENT; EXECUTION**

(a) GENERALLY. If the adversary proceeding file has been statistically concluded or terminated, and unless ordered otherwise, further proceedings may be had, docket entries made and relief granted without reopening the file. If a satisfaction of a money judgment is filed, the satisfaction shall be noted in the docket and interested parties may file a certified copy with the clerk of the district court. Minnesota statutes and civil rules apply to the assignment, expiration or enforcement of judgments and related matters to the extent applicable under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 7069

incorporating FED. R. APP. P. 69(a).

(b) EXECUTION. Every request for a writ of execution shall be in writing and shall identify the judgment, the amount due on the judgment, the title of the case or proceeding, the file number, and the reason for requesting the execution. Every writ of execution issued by the clerk shall be noted in the docket with a copy placed in the file, mailed by the clerk to the United States Marshal and returned to the clerk within 30 days after the date issued. The attorney for the judgment creditor shall request particular action from the marshal by a separate writing to the marshal.

(c) ALTERNATIVE ENFORCEMENT. Upon request, the clerk shall furnish a certified copy of a judgment to permit filing with the clerk of the district court under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 5003(c) or a certified copy judgment certificate to permit registration of the judgment with the clerk of district court for another district under 28 U.S.C. §1963 or to enable the judgment creditor to obtain a judgment and enforce the judgment in the courts of Minnesota under the Uniform Enforcement Of Foreign Judgments Act (Minn. Stat. §§548.26-548.33).

**Fed. R. Bankr. P. Reference 5003(c).**

## PART VIII

### APPEALS

#### **RULE 8001-1. MANNER OF TAKING APPEAL**

**Appeals to the bankruptcy appellate panel are governed by the local rules of the Bankruptcy Appellate Panel for the Eighth Circuit.**

#### **RULE 8003-1. MOTION FOR LEAVE TO APPEAL**

The appellant shall file a notice of appeal of an interlocutory order under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8001(b), an original and three copies of a motion for leave to appeal with the clerk of bankruptcy court under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 8001(b), 8003 and 8008, and proof of service on all parties to the appeal. Any other party in interest may file an original and three copies of a response under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8003(a). The clerk shall retain each original paper and transmit three certified copies to the clerk of the district court together with certified copies of the docket and notice of appeal under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8003(b). Upon filing, the clerk of the district court shall treat the motion for leave to appeal as an appeal for statistical purposes and deliver the papers to a district judge for disposition. Upon entry of a district court order granting leave to appeal, Local Rules 8006-1, 8007-1, 8007-2 and 8010-3 shall apply.

**Fed. R. Bankr. P. Reference 8001, 8008.**

**RULE 8005-1. STAY PENDING APPEAL**

Local Rule 8011-1 applies to motions for any relief pending appeal.

**RULE 8006-1. DESIGNATION OF RECORD - APPEAL**

(a) OFFICIAL RECORD ON APPEAL. The original papers and exhibits filed in the bankruptcy case or adversary proceeding, the transcript of proceedings if any, and the docket of the bankruptcy case or adversary proceeding are the record on appeal. The fact that parts of the record on appeal are not included in the designated record or appendix shall not prevent the parties or the district court from relying on them.

(b) DESIGNATED RECORD. Except as provided in paragraph (c) of this rule, the appellant and other parties shall designate in writing, in the manner otherwise provided in ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8006, the particular papers of the official record on appeal to be included in the designated record. Each paper designated shall be described specifically by name of document and date filed. If the appellant or other party designates any transcript of proceedings or any part thereof, the party shall state in the designation the date the transcript was ordered and specify the parts ordered, and if no such transcript is to be ordered, the party shall include a statement in the designation to that effect.

(c) SEPARATE APPENDICES. In lieu of a designated record, the appellant and other parties may file, within ten days after the filing of the notice of appeal or entry of an order granting leave to appeal,



a stipulation providing that the parties shall file with the clerk of the district court separate appendices prepared in the manner provided in Eighth Circuit Rule 30A(b)(3). Unless the district court orders otherwise, the parties shall serve and file with the clerk of the district court an original and two copies of their separate appendices along with their respective briefs. The parties also shall arrange for the clerk of the bankruptcy court to transmit transcripts or exhibits separately to the clerk of the district court in the manner provided in Eighth Circuit Rule 30A(b)(5).

(d) LIMITS. Parties to an appeal should include in the designated record or appendices only those parts of the official record on appeal they deem absolutely necessary to be transmitted to the district court. Except where they have independent relevance, memoranda of law should not be included in the designated record or appendices.

#### **RULE 8006-2. STATEMENT OF ISSUES**

The appellant shall file a statement of the issues to be presented on appeal in accordance with ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8006.

#### **RULE 8007-1. COMPLETION OF RECORD - APPEAL (TRANSCRIPT)**

If the court made findings of fact and conclusions of law on the record, the appellant shall order a transcript of proceedings for the portion of the proceeding where such findings or conclusions were made.

In addition, the appellant or any other party may order a transcript of proceedings for any other portion of the proceeding relevant to the appeal.

**RULE 8007-2. TRANSMISSION OF RECORD - APPEAL**

Within 30 days after the notice of appeal is filed or an order granting leave to appeal is entered, the clerk shall transmit to the clerk of district court copies of: 1) the notice of appeal; 2) the judgment, order or decree appealed from; 3) the docket; 4) the statement of issues on appeal; 5) any opinion, findings of fact, and conclusions of law of the court; 6) the designated record or the stipulation for separate appendices. If a stipulation for separate appendices is filed, the clerk shall indicate in the transmittal that the appellant and other parties have agreed to file separate appendices. If the district court so orders, the clerk shall transmit copies of all or any part of the official record on appeal to the clerk of the district court, retaining the original of all such parts of the record in the clerk's files.

**RULE 8010-1. FORM OF BRIEFS - APPEAL**

The appellant's brief shall include an addendum placed at the end of the brief. The addendum shall include a copy of the judgment, order, or decree appealed from and a copy of any opinion, findings of fact and conclusions of law of the court. It may also include copies of not more than 15 pages of any other relevant material including copies of

exhibits, limited excerpts from a transcript, excerpts from any part of the record on appeal, or items specified in ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8010(b). The appellee's brief may include an addendum consisting of copies of not more than 15 pages of relevant material not included in the addendum to appellant's brief. References in a brief to papers in an addendum shall refer to the pages of the addendum where those papers appear.

**RULE 8010-3. LENGTH OF BRIEFS - APPEAL**

Briefs shall be prepared, served and filed in accordance with ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 8009 and 8010, except that no party shall file a brief exceeding 35 pages, exclusive of addendum pages. If a reply brief is filed, the cumulative total of the original brief and the reply brief shall not exceed 35 pages, exclusive of addendum pages. An original and two copies of each brief shall be filed.

**RULE 8011-1. MOTION FOR RELIEF PENDING APPEAL**

(a) IN BANKRUPTCY COURT. Unless the district court directs otherwise, all motions for relief pending appeal under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 8005, 8007(c) or 8011(d), except a motion to dismiss the appeal, shall first be made to the bankruptcy court.

(b) IN DISTRICT COURT. Any motion to the district court for

relief pending appeal under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 8005, 8007(c) or 8011(d), except a motion to dismiss the appeal, shall show that the relief requested was first sought and not obtained from the bankruptcy court. The motion shall contain copies of such parts of the original record as may be appropriate. Upon the filing of an original and two copies of such motion and proof of delivery to all parties to the appeal, the clerk of the district court shall treat the motion as an appeal for statistical purposes, unless the appeal has been docketed already in the district court under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8007(b), and deliver the motion to a district judge for disposition.

#### **RULE 8016-1. ENTRY OF JUDGMENT AND NOTICE**

(a) BY CLERK OF DISTRICT COURT. Under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8016, upon decision on appeal by the district court under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8013, the clerk of the district court shall enter judgment and transmit a copy of the judgment as notice of entry and a copy of the decision to each party to the appeal, the clerk of bankruptcy court, and the United States Trustee.

(b) BY CLERK OF BANKRUPTCY COURT. Subject to ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 8017, the clerk of bankruptcy court shall file and enter the judgment and decision in the docket of the case or proceeding and the bankruptcy court shall enter such further order

or judgment including taxation of costs as may be appropriate. If judgment of the district court is appealed to the court of appeals, upon receipt of a copy of the decision by the court of appeals from the clerk of the court of appeals under Fed. R. App. P. 36, but subject to Fed. R. App. P. 41, the clerk of bankruptcy court shall file and enter the decision in the docket of the case or proceeding, and the bankruptcy court shall enter such further order or judgment including taxation of costs as may be appropriate.

## **PART IX**

### **GENERAL PROVISIONS**

#### **RULE 9001-1. DEFINITIONS**

In addition to the definitions and rules of construction in §§ 101, 102 and 1101 of the Bankruptcy Code and ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 9001 and 9002, the following words used in these rules have the meanings indicated:

(1) "Affidavit" includes a verified motion and a statement endorsed with an unsworn declaration.

(2) "Application," other than an application under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 2014 or 2016, means written request for an order which is made without scheduling a hearing and with limited or no notice.

(3) "Court" means bankruptcy court unless a district judge is

acting in a case or proceeding.

(4) "Deliver" means physical delivery or actual receipt by facsimile transmission or mail within the time period specified for delivery.

(5) "Hour" includes every hour whether the clerk's office is open or not.

(6) "Judge" means bankruptcy judge unless a district judge is acting in a case or proceeding.

(7) "Motion" means written request for an order which cannot be obtained by application.

(8) "Proof of service" means proof of actual receipt, or an affidavit of service referred to in F E D. R. C I V. P. 4(g), or an unsworn certificate of service that conforms substantially to Local Form 9001-1.

(9) "Serve" means either to deliver as defined by Local Rule 9001-1(4) or to serve by mail.

(10) "Unsworn declaration" means unsworn statement that complies substantially with 28 U.S.C. §1746 and which is endorsed on a paper.

(11) "Verified" or "verification" means affidavit or unsworn declaration, affixed to or endorsed on a paper, which states in substance that the factual allegations made in the paper are true and correct according to the best of the verifier's knowledge, information and belief.

**Fed. R. Bankr. P. Reference 9002.**

**RULE 9004-1. PAPERS - REQUIREMENTS OF FORM**

(a) SIZE. All papers presented for filing, except trial exhibits, shall be on standard letter-size paper (8-1/2" x 11").

(b) PROOF OF SERVICE. Where service of a paper is required, proof of service shall be attached to the paper filed.

(c) FACSIMILES. Copies of papers delivered by facsimile transmission directly to the clerk shall not be accepted for filing.

(d) VERIFICATIONS. A verification shall not be accepted for filing unless it bears an original signature, except that a photocopy or facsimile copy of a verification shall be accepted provided that an original is filed 1) within five days after the copy was filed or 2) on the day of the hearing to which the paper relates, whichever is earlier. Notwithstanding the foregoing, a petition shall not be accepted for filing unless all required signature pages bear original signatures.

~~**RULE 9004-2. CAPTION - PAPERS, GENERAL**~~

~~— In a case, papers shall comply with Bankruptcy Rule 9004 and shall carry a caption conforming substantially to Official Bankruptcy Forms 16A or 16B. In an adversary proceeding, papers shall comply with Bankruptcy Rules 7007 and 7010 and shall carry a caption conforming substantially to Official Bankruptcy Form 16C.~~

**RULE 9006-1. TIME PERIODS FOR SERVICE AND FILING**

(a) MOVING PAPERS. Unless a local rule or ~~Bankruptcy Rule~~ Federal

Rule of Bankruptcy Procedure requires longer notice, moving papers shall be filed and delivered not later than ~~seven days, including intermediate Saturdays, Sundays, and legal holidays~~ ten days, or mailed not later than ~~ten~~ fourteen days before the hearing date. Moving papers shall be filed within five days after the date and time for a hearing was obtained from the judge's calendar clerk.

(b) RESPONSIVE PAPERS. ~~Except as provided in paragraph (c) of this rule, a~~Any responsive papers shall be delivered and filed not later than ~~24 hours~~ three days before the time set for the hearing or shall be ~~mailed~~ served and filed by mail not later than ~~three~~ seven days before the hearing date. Where moving papers are delivered not later than ~~21~~ twenty-one days or mailed not later than ~~24~~ twenty-four days before the hearing date, any responsive papers shall be delivered and filed not later than seven days, including intermediate Saturdays, Sundays, and legal holidays, before the hearing date, or mailed and filed not later than ten days before the hearing date, provided the motion states that responsive papers must be served and filed before such deadline rather than the later deadline otherwise provided in this paragraph.

(c) REPLY PAPERS. ~~Where paragraph (b) of this rule establishes the deadline for service and filing of responsive papers, any reply papers shall~~ No reply papers to the responsive papers need be served and filed. If the moving papers are delivered and filed later than fourteen



days before the hearing date, no reply papers to the responsive papers may be served and filed. If the moving papers are served and filed fourteen or more days before the hearing, any reply papers may be delivered and filed not later than ~~24~~ twenty-four hours before the time set for the hearing or mailed and filed not later than three days before the hearing date.

(d) EXPEDITED RELIEF. If expedited relief is necessary, the moving party shall obtain a hearing date on shorter notice from the judge's calendar clerk and shall include a request for expedited hearing in the motion. The judge will rule on the request for expedited hearing when the motion is heard. The party seeking expedited relief shall take all reasonable steps to provide all parties with the most expeditious service and notice possible and shall file an affidavit specifying the efforts made.

#### **RULE 9010-3. ATTORNEYS**

(a) ADMISSION. The bar of this court consists of those attorneys admitted to practice before the United States District Court for this district. No person, unless duly admitted to practice in that court, shall be permitted to appear and participate in the trial of any action or the hearing of any motion except in that person's own behalf or as provided in paragraphs (b) and (c).

(b) GOVERNMENT ATTORNEYS. Attorneys not admitted in the district court for this district but admitted in another United States District

Court may appear representing the United States of America or any officer or agency thereof.

(c) OTHER ATTORNEYS. Except as provided in paragraph (b), attorneys not admitted to practice in the district court may appear or file papers, other than proofs of claim, only after being admitted pro hac vice pursuant to Local Rule 83.5 of the district court.

(d) FORMER LAW CLERKS. An attorney who has served as a law clerk to a judge, for a period of one year after termination from service as a law clerk, shall not: 1) appear before that judge; 2) allow that attorney's name to appear on any pleading or memorandum filed in connection with any case or adversary proceeding assigned to that judge; or 3) allow that attorney's name to appear on any petition filed with the court unless that attorney is a sole practitioner.

(e) SUBSTITUTION; WITHDRAWAL.

(1) Substitution. If a party in an adversary proceeding or a debtor in a chapter 7 or 13 case wishes to substitute attorneys, the party or debtor shall file a substitution of attorney signed by the client, the original attorney and the substituted attorney. If a client wishes to substitute attorneys and the client's employment of the attorney was subject to approval by the court, the client shall make an application to substitute attorneys and comply with Local Rule 2014-1.

(2) Withdrawal. An attorney in a bankruptcy case whose

employment was subject to approval by the court, an attorney for any party in an adversary proceeding, or an attorney for a debtor in a chapter 7 or 13 case who wishes to withdraw without a substitution of attorney shall make a motion for leave to withdraw.

(3) Service. In an adversary proceeding, substitutions, motions and applications shall be served on all parties to the proceeding and in a case on all entities specified in the applicable subparagraph of Local Rule 9013-3(a).

(4) Effect of Failure to Comply. Until a substitution of attorneys is filed or an order is entered allowing the original attorney to withdraw, the original attorney is the client's attorney of record and the original attorney shall represent the attorney's client in bringing and defending all matters or proceedings in the bankruptcy case other than adversary proceedings in which the original attorney has not yet made an appearance. Failure to receive advance payment or guarantee of attorney's fees is not grounds for failure to comply with this subsection.

#### **RULE 9010-4. PRO SE CASES AND PROCEEDINGS**

An entity which is not an individual may not appear in bankruptcy court unless represented by an attorney authorized to practice under Local Rule 9010-3.

#### **RULE 9011-4. SIGNATURES**

All papers presented for filing shall be signed and include the name, address and telephone number of the signer or the signer's attorney. If a paper is signed by an attorney, it shall include the attorney's license number.

#### **RULE 9013-1. MOTION PRACTICE**

Except as otherwise provided, any request for an order shall be made by motion. Motions in a bankruptcy case are governed by ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 9013 and 9014. Motions in an adversary proceeding are governed by ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 7005 and 7007.

Fed. R. Bankr. P. Reference 7005, 7007, 9014.

#### **RULE 9013-2. MOTION PAPERS**

(a) MOVING PAPERS. Except as otherwise provided, the party making a motion shall serve and file: 1) a notice of hearing and motion; 2) if facts are at issue, an affidavit or verification of the motion; 3) a separate, concise memorandum of facts and law; 4) a proposed order; and 5) proof of service. The notice shall state the date and, if appropriate, the time by which a response must be filed under these rules. The notice shall state that unless a response opposing the

motion is timely filed, the court may grant the motion without a hearing. The notice of hearing and motion shall comply substantially with Local Form 9013-2.

(b) RESPONSIVE PAPERS. Any entity opposing a motion and wishing to be heard shall file and serve a response, which shall include a concise memorandum of facts and law and, if facts are at issue, an opposing affidavit. A response may include a request for an order denying the motion or a request for an order imposing costs, fees and expenses, but shall not include a request for any other relief.

(c) NOTICE OF WITNESSES. If a party filing or responding to a motion anticipates offering oral testimony at a hearing, the moving or responsive papers shall state the name, address and substance of the testimony of the proposed witness.

(d) AFFIDAVITS; VERIFICATIONS. Affidavits shall be made on personal knowledge, set forth only facts that would be admissible in evidence, and show affirmatively that the affiant or verifier is competent to testify to the matters stated. An attorney shall not verify papers to be filed except with respect to facts of which the attorney has personal knowledge.

(e) EXHIBITS. If the exhibits normally attached to a motion or response exceed 50 pages in total, the moving party may provide a summary of the exhibits in the motion or response, or as an exhibit thereto, for purposes of service only. The moving party shall state in the motion or response that the full exhibits and the summary were

attached to the original motion or response filed with the clerk and that the moving party will upon request furnish a copy of the full exhibits to any entity.

(f) RELIEF WITHOUT HEARING. If no response opposing a motion is timely filed, the court may, in its discretion, enter an order granting the motion without a hearing.

Fed. R. Bankr. P. Reference 9004, 9006, 9014.

### **RULE 9013-3. ENTITIES SERVED IN BANKRUPTCY CASES**

(a) MOVING PAPERS.

- (1) Chapter 7, 12 and 13 Cases. Except as provided in Local Rules 2002-1, 3007-1, and 3019-2 moving papers in a chapter 7, 12 or 13 case shall be served on: 1) the debtor; 2) the attorney for the debtor; 3) the trustee; 4) the United States Trustee; 5) each entity that has filed a request for notice or notice of appearance under Bankruptcy Rules Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b); 6) each entity claiming a lien or other interest in property if any property is involved; 7) each entity against whom relief is sought; (8) in a chapter 7 case, each member of the committee of creditors, if any; and (9) in a chapter 12 case, the United States Attorney for the District of Minnesota.
- (2) Chapter 11 Cases. Unless on application the court for cause orders either expanded or restricted service and except

as provided in Local Rules 2002-1(b), 3007-1, and 3019-2, moving papers in a chapter 11 case shall be served on: 1) the debtor; 2) the attorney for the debtor; 3) the trustee or examiner; 4) the United States Trustee; 5) all committees; 6) the ten largest unsecured creditors if no committee of creditors holding unsecured claims has been appointed; 7) each major secured creditor; 8) the District Counsel of the Internal Revenue Service; 9) the District Director of the Internal Revenue Service; 10) the Collection Division of the Minnesota Department of Revenue; 11) the United States Attorney for the District of Minnesota; 12) each creditor that is a governmental unit; 13) each entity that has filed a request for notice or notice of appearance under ~~Bankruptcy Rules~~ Federal Rule of Bankruptcy Procedure 2002(i) or 9010(b); 14) each entity claiming a lien or other interest in property if any property is involved; and 15) each entity against whom relief is sought.

(b) RESPONSIVE PAPERS. Unless ordered otherwise, responsive papers shall be served on: 1) the moving party; 2) the attorney for the debtor; 3) the trustee or examiner; 4) the attorneys for all committees; and 5) the United States Trustee.

**Fed. R. Bankr. P. Reference 7005; Fed. R. Civ. P. Reference 5(b) .**

#### **RULE 9013-4. APPLICATIONS**

(a) EMPLOYMENT OF PROFESSIONAL PERSONS. An application for employment of a professional person is governed by Local Rule 2014-1.

(b) COMPENSATION OF PROFESSIONAL PERSONS. An application for allowance or authorization for payment of compensation of a professional person is governed by Local Rule 2016-1.

(c) OTHER APPLICATIONS. All other applications shall comply with paragraphs (a), (d) and (e) of Local Rule 9013-2 except that no notice of hearing is required. Responses to applications shall comply with paragraph (b) of Local Rule 9013-2. Except as otherwise provided, the applicant shall serve the application on the attorney for the debtor, the trustee or examiner, and the United States Trustee. Before ruling on the application, the court may require that a motion be made, that a hearing be held or that additional persons be served.

**Fed. R. Bankr. P. Reference 2014, 2016.**

#### **RULE 9013-5. TRUSTEES' MOTIONS AND OBJECTIONS**

Except where a serious contest is anticipated, the trustee in a chapter 7 or 13 case need not file a separate memorandum for a motion to dismiss, for turnover or sale of property, or for approval of a compromise or settlement, or in connection with an objection to a claim of exemption or a proof of claim.

RULES 9013-4, 9013-5



**RULE 9015-1. JURY TRIAL**

(a) TIME; FORM. Any party may demand a trial by jury of any issue triable by a jury by serving on the other parties a demand therefor in writing not later than ten days after service of the last pleading directed to such issue. The demand may be endorsed on a pleading of the party. When a jury trial is demanded it shall be designated by the clerk on the docket as a jury matter.

(b) CONTENTS OF THE DEMAND. In the demand a party shall specify whether the party consents to the bankruptcy judge conducting the jury trial. A party may specify the issues which the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury of all the issues so triable.

(c) CONTENTS OF THE RESPONSE. A party served with a demand for a jury trial by a party who has consented in the demand to the bankruptcy judge conducting the jury trial, shall serve a response, which shall specify whether the responding party consents to the bankruptcy judge conducting the jury trial. The response may be endorsed on a timely served pleading by a party; or, it may be made and served by separate document within ten days after service of the demand or such lesser time as the court may order. If one party has demanded trial by jury of only some of the issues, any other party may serve a response demanding trial by jury of any other or all of the issues.

(d) DETERMINATION BY COURT. On motion or on its own initiative the court may determine whether there is a right to trial by jury of the

issues for which a jury trial is demanded or whether a demand for trial by jury in a proceeding on a contested petition shall be granted.

(e) WAIVER. The failure of a party to serve a demand as required by this rule and to file it as required by ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 5005 constitutes a waiver of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties.

Fed. R. Bankr. P. Reference 5005.

#### **RULE 9017-1. HEARINGS**

The court may hear and determine a motion without oral testimony, allow further affidavits to be filed, permit oral testimony or order an evidentiary hearing.

#### **RULE 9019-1. SETTLEMENT, AGREED ORDERS, AND STIPULATED RELIEF**

(a) GENERALLY. Local Rule 6004-1 applies generally to settlements, except that the trustee in a chapter 7 case may apply for approval of settlement under the limited notice of Local Rule 6004-1(b)(1) regardless of the settlement's value to the estate.

(b) LIMITED NOTICE - FORM OF PRESENTATION TO COURT. Where limited notice of a settlement or compromise is permitted pursuant to Local Rule 6004-1(b)(1), the settlement or compromise may be approved on application with proposed order under Local Rule 9013-4 and the

application may be combined with the notice.

(c) ADVERSARY PROCEEDING SETTLEMENT AFFECTING ESTATE. If ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 9019 applies to the compromise or settlement of an adversary proceeding, a request for approval of the proposed compromise or settlement shall be made by motion in the bankruptcy case.

(d) STIPULATED RELIEF. If notice to all creditors is not required, the court may order appropriate relief without notice or a hearing if a stipulation is filed which is signed by each entity that would have received notice of the hearing.

**~~RULE 9020-1. CONTEMPT~~**

~~If an objection is filed to an order of contempt under Bankruptcy Rule 9020, the clerk shall transmit appropriate certified copies of all relevant papers, including briefs or memoranda if any, to the clerk of district court, who shall file and treat the papers as a civil action and deliver the papers to a district judge for disposition.~~

**RULE 9021-1. JUDGMENTS AND ORDERS - ENTRY OF**

Unless dismissed, every adversary proceeding shall be concluded by a separate judgment set forth and entered by the clerk. Immediately upon entry of a judgment to deny or revoke a discharge, to revoke the confirmation of a plan or to subordinate a claim, the clerk shall file a certified copy of the judgment in the bankruptcy case file and enter

the judgment in the docket of the case. Where appropriate, the clerk shall also prepare and mail a separate notice pursuant to Local Rule 2002-4(b) twenty-five days after the entry of the judgment, unless the court orders otherwise.

Fed. R. Bank. P. Reference 7054.

#### **RULE 9029-1. RULES - GENERAL**

(a) SCOPE. These rules and forms govern practice and procedure in bankruptcy cases and proceedings in the District of Minnesota. All previous local rules are superseded except to the extent that in the opinion of the court the application of one of these rules in a matter pending when these rules or amendments were promulgated would not be feasible or would work injustice.

(b) SUSPENSION. In the interest of expediting a decision or for other good cause, the court may suspend the requirements or provisions of any local rule and may order proceedings in accordance with its direction.

(c) FORMS. The local forms prescribed by these local rules shall be observed and used with such alterations as may be appropriate unless a local rule requires exact conformity. The clerk, with approval of the judges, may issue additional forms for use under these rules.

(d) CITATION. These rules or amendments may be cited as Local Rule \_\_\_\_ and these forms as Local Form \_\_\_\_.

#### **RULE 9029-4. RULES - ADOPTION AND AMENDMENT**

Pursuant to and subject to the provisions of ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 9029, the bankruptcy judges are authorized to adopt or amend any local rule, except they may not amend any local rule which relates to referral, Bankruptcy Court authority or appeals and they may not adopt or amend any local rule in a manner inconsistent with any local rule which relates to referral, Bankruptcy Court authority or appeals.

#### **RULE 9033-1. FINDINGS AND CONCLUSIONS IN NON-CORE PROCEEDINGS**

If proposed findings of fact and conclusions of law are filed under ~~Bankruptcy Rule~~ Federal Rule of Bankruptcy Procedure 9033 and the time to file an objection has expired, the clerk shall transmit appropriate certified copies of all relevant papers, including briefs or memoranda if any, to the clerk of district court, who shall file and treat the papers as a civil action and deliver the papers to a district judge for disposition.

#### **RULE 9070-1. EXHIBITS**

Upon the closing of a case or adversary proceeding, the clerk may require the attorneys of record to remove exhibits, depositions or briefs contained in the files within ten days after written notice. The clerk may destroy or otherwise dispose of such exhibits, depositions or briefs if they are not removed in the time specified.

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**Form 1007-1 - Statement Of Compensation By Debtor's Attorney**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

Case No. BKY \_\_\_\_\_

\_\_\_\_\_,  
Chapter \_\_\_\_\_ Case

Debtor(s).

[Note - caption is same as Official Bankruptcy Form 16B]

STATEMENT OF COMPENSATION BY ATTORNEY FOR DEBTOR(S)

The undersigned, pursuant to Local Rule 1007-1, Bankruptcy Rule 2016(b) and § 329(a) of the Bankruptcy Code, states that:

1. The undersigned is the attorney for the debtor(s) in this case and files this statement as required by applicable rules.

2. (a) The filing fee paid by the undersigned to the clerk for the debtor(s) in this case is: \$\_\_\_\_\_

(b) The compensation paid or agreed to be paid by the debtor(s) to the undersigned is:

\$\_\_\_\_\_

(c) Prior to filing this statement, the debtor(s) paid to the undersigned: \$\_\_\_\_\_

(d) The unpaid balance due and payable by the debtor(s) to the undersigned is:

\$\_\_\_\_\_

3. The services rendered or to be rendered include the following: (a) analysis of the financial situation and rendering advice and assistance to the debtor in determining whether to file a petition under Title 11 of the United States Code; (b) preparation and filing of the petition, exhibits, attachments, schedules, statements and lists and other documents required by the court; (c) representation of the debtor(s) at the meeting of creditors; (d) negotiations with creditors; and (e) other services reasonably necessary to represent the debtor(s)



in this case.

4. The source of all payments by the debtor(s) to the undersigned was or will be from earnings or other current compensation of the debtor(s), and the undersigned has not received and will not receive any transfer of property other than such payments by the debtor(s), except as follows: \_\_\_\_\_.

5. The undersigned has not shared or agreed to share with any other person other than with members of undersigned's law firm any compensation paid or to be paid.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_  
Attorney for Debtor(s)  
Name, Address, Telephone and  
Attorney License Number

LOCAL RULE REFERENCE: 1007-1

**Form 1007-3 - Financial Review of the Debtor's Business**

In re: \_\_\_\_\_ Case No. \_\_\_\_\_  
Chapter \_\_\_\_\_

FINANCIAL REVIEW OF THE DEBTOR'S BUSINESS  
(NOTE: ONLY INCLUDE information directly  
related to one business operation on each form)

Type of business \_\_\_\_\_ Business Name \_\_\_\_\_

**PART A - GROSS BUSINESS INCOME FOR PREVIOUS 12 MONTHS:**

1. Gross Income for 12 Months Prior to Filing \$ \_\_\_\_\_

**PART B - ESTIMATED AVERAGE FUTURE GROSS MONTHLY INCOME:**

2. Gross Monthly Income: \$ \_\_\_\_\_

**PART C - ESTIMATED AVERAGE FUTURE MONTHLY EXPENSES:**

3.	Payroll (paid to others)	\$ _____
4.	Payroll Taxes	\$ _____
5.	Unemployment Taxes	\$ _____
6.	Worker's Compensation	\$ _____
7.	Employee Benefits (e.g., pension	

- |     |   |                                  |
|-----|---|----------------------------------|
|     | medical, etc.)  | \$ _____                         |
| 8.  | Other Taxes   | \$ _____                         |
| 9.  | Inventory Purchases<br>(including raw materials)  | \$ _____                         |
| 10. | Purchase of Feed/Fertilizer/<br>Seed/Spray  | \$ _____                         |
| 11. | Rent (Other than debtor's<br>principal residence)   | \$ _____                         |
| 12. | Utilities   | \$ _____                         |
| 13. | Office Expenses and Supplies  | \$ _____                         |
| 14. | Repairs and Maintenance   | \$ _____                         |
| 15. | Vehicle Expenses  | \$ _____                         |
| 16. | Travel and Entertainment  | \$ _____                         |
| 17. | Advertising and Promotion   | \$ _____                         |
| 18. | Equipment Rental and Leases   | \$ _____                         |
| 19. | Legal/Accounting/Other<br>Professional Fees   | \$ _____                         |
| 20. | Insurance   | \$ _____                         |
| 21. | Payment to Be Made Directly by<br>Debtor to Secured Creditors<br>for Pre-Petition Business<br>Debts (specify) | \$ _____<br>\$ _____<br>\$ _____ |
| 22. | Other (describe)  | \$ _____                         |
| 23. | Total Monthly Expenses (add items (3-22))   | \$ _____                         |

**PART D - ESTIMATED AVERAGE NET MONTHLY INCOME:**

24. Average Net Monthly Income  
(subtract line 22 from line 2) \$ \_\_\_\_\_

Net Monthly Income \$ \_\_\_\_\_

Verification. I, \_\_\_\_\_, the debtor(s) named in the foregoing financial review form, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on \_\_\_\_\_ Signed: \_\_\_\_\_  
Name and Address of Subscriber

\_\_\_\_\_

**Form 1008-1 - Proof Of Authority To Sign And File Petition**

(Caption as in Local Form 1007-1)

**STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION**

I, \_\_\_\_\_, declare under penalty of perjury that I am the \_\_\_\_\_ of \_\_\_\_\_, a Minnesota corporation and that on \_\_\_\_\_ the following resolution was duly adopted by the \_\_\_\_\_ of this corporation:

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter \_\_\_\_\_ of Title 11 of the United States Code; B e I t Therefore Resolved, that \_\_\_\_\_, President of this

corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter \_\_\_\_\_ voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that \_\_\_\_\_, President of this corporation, is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case; and

Be It Further Resolved, that \_\_\_\_\_, President of this corporation, is authorized and directed to employ \_\_\_\_\_, attorney and the law firm of \_\_\_\_\_ to represent the corporation in such bankruptcy case."

(or)

I, \_\_\_\_\_, declare under penalty of perjury that I am one of the general partners of \_\_\_\_\_, a Minnesota partnership, that \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ are all of the other general partners, and that all general partners have authorized me to file a voluntary petition commencing a chapter \_\_\_\_ voluntary bankruptcy case on behalf of the partnership."

(or)

I, \_\_\_\_\_, declare under penalty of perjury that I am the sole general partner of \_\_\_\_\_, a Minnesota limited partnership, and that I am authorized to file a voluntary petition commencing a chapter \_\_\_\_ voluntary bankruptcy case on behalf of the partnership.

(or)

I, \_\_\_\_\_, declare under penalty of perjury that I am the duly appointed and qualified guardian ad litem of \_\_\_\_\_, that I am authorized to file a voluntary petition commencing a chapter \_\_\_\_ voluntary bankruptcy case on behalf of \_\_\_\_\_, and that a certified copy of my appointment as such guardian ad litem is attached and made a part of this statement.

Executed on: \_\_\_\_\_

Signed: \_\_\_\_\_

Name and Address of Subscriber

LOCAL RULE REFERENCE: 1008-1

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**Form 1019-1 - Conversion Of Case By Debtor**

(Caption as in Local Form 1007-1)

CONVERSION OF CHAPTER \_\_\_\_ CASE TO CHAPTER \_\_\_\_ CASE

1. This bankruptcy case was commenced by petition filed by the debtor(s) under chapter \_\_\_\_ on \_\_\_\_\_. Conversion of this case by the debtor(s) to a chapter \_\_\_\_ case is allowed under § \_\_\_\_ of the Bankruptcy Code.

2. The debtor(s) hereby files this conversion and converts this case to a chapter \_\_\_\_ case under §§ 348 and \_\_\_\_ of the Bankruptcy Code.

3. (If 12 or 13 to 7 or if 7 to 12 or 13) Attached hereto and filed herewith are new exhibits, attachments, schedules, statements and lists appropriate for a chapter \_\_\_\_ case.

WHEREFORE, the debtor(s) requests relief in accordance with chapter \_\_\_\_ of the Bankruptcy Code and declares under penalty of perjury that the information provided in this conversion is true and correct.

Executed on: \_\_\_\_\_ Signed: \_\_\_\_\_

Attorney for Debtor(s)

Signed: \_\_\_\_\_ Name, Address, Telephone and

Debtor Attorney License Number of

Signed: \_\_\_\_\_ Attorney For Debtor(s)

Debtor (if joint case)

LOCAL RULE REFERENCE: 1019-1

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**Form 1075-1 - Notice Of Potential Environmental Hazard**

(Caption as in Local Form 1007-1)

NOTICE OF POTENTIAL ENVIRONMENTAL HAZARD

TO: U.S. Environmental Protection Agency, Washington, D. C.; and  
Attorney General for the States of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

Pursuant to Local Rule 1075-1 for the United States Bankruptcy Court for the District of Minnesota, you are hereby given notice that the debtor named above filed a petition commencing a chapter \_\_\_\_\_ bankruptcy case on \_\_\_\_\_, that commercial or industrial property of the estate may contain a hazardous substance as defined in Minn. Stat. §115B.02, subd. 8 or other applicable law, or that environmental contamination or a release or threatened release of a hazardous substance may exist on the property, that the hazardous substance is described as \_\_\_\_\_, and that the location of the property is \_\_\_\_\_.

Dated: \_\_\_\_\_, Debtor

Signed

Name, Address, Telephone and By: \_\_\_\_\_  
License # of Debtor's Attorney Its: \_\_\_\_\_

- - - - -

Unsworn Certificate Of Service. I, \_\_\_\_\_, declare under penalty of perjury that . . . (remainder same as Local Form 9001-1).

LOCAL RULE REFERENCE: 1075-1

\_\_\_\_\_

**Form 2002-4(c) - Notice Of Trustee's Final Report And Account**

(Caption as in Local Form 1007-1)

NOTICE OF TRUSTEE'S FINAL REPORT AND ACCOUNT

TO: All creditors and other parties in interest.

You are hereby notified that the trustee of the estate in this case has filed a final report and account before distribution dated \_\_\_\_\_, with a statement of the final distribution to be made under 11 U.S.C. §726. The account states that total receipts were \$\_\_\_\_\_. The report states that all disbursements paid or to be paid including all final distribution payments are as follows:

\$\_\_\_\_\_ Payments for liens or other interests in property;  
\$\_\_\_\_\_ Chapter 7 administrative expenses;  
\$\_\_\_\_\_ Chapter 11, 12 or 13 administrative expenses if any;  
\$\_\_\_\_\_ Priority unsecured claims, which total \$\_\_\_\_\_; and

\$\_\_\_\_\_ Nonpriority unsecured claims, which total \$\_\_\_\_\_.

The report states that the final distribution payments will be made after notice and opportunity for a hearing and after the court has entered such orders as may be necessary or appropriate. The report also states that the chapter 7 administrative expenses and, if applicable, but only to the extent not heretofore finally determined by the court, the chapter 11, 12 or 13 administrative expenses, include payments previously paid or to be paid with respect to the following applications for award of compensation or reimbursement of expenses:

<u>Applicants</u>	<u>Compensation</u>	<u>Reimbursement</u>
Trustee:	\$	\$
Others:		

- - - - -

You are therefore hereby notified that unless a party in interest, within twenty (20) days after the date stated below as the date this notice was mailed, serves on the trustee and the United States Trustee and files with the clerk an objection to and request for hearing on said report, the account, any claim or any request for payment including any application for compensation or reimbursement, the court will enter such orders as may be necessary or appropriate, and the final distribution payments will be made by the trustee. If an objection and request for hearing is timely served and filed, the trustee will arrange for expedited hearing on the objection with notice of hearing to the objecting party and the United States Trustee, and the court will enter such orders as may be necessary or appropriate.

Dated: \_\_\_\_\_

Clerk of Bankruptcy Court

Mailed: \_\_\_\_\_

LOCAL RULE REFERENCE: 2002-4 (c)

\_\_\_\_\_

**Form 2002-4(d) - Notice Of Case To Equity Security Holders**

(Caption as in Local Form 1007-1)

NOTICE TO SHAREHOLDERS OF CHAPTER 11 CASE

Notice Is Hereby Given That:

1. PETITION. An order for relief under 11 U.S.C. Chapter 11 has been entered on a petition filed on \_\_\_\_\_ by or against the debtor, Federal Tax ID No. \_\_\_\_\_, State Tax ID No. \_\_\_\_\_, address \_\_\_\_\_. The attorney for the debtor is \_\_\_\_\_, address and telephone \_\_\_\_\_.

2. STAY-STATUS-PLAN. Upon the filing of the petition, certain acts and proceedings against property, the debtor and the estate are stayed. See 11 U.S.C. §362(a). The debtor is the debtor in possessions and has certain rights, powers and duties of a trustee. See 11 U.S.C. §1107. The debtor may file a plan. See 11 U.S.C. §1121.

3. CREDITORS MEETING. The meeting of creditors pursuant to 11 U.S.C. §341(a) will be held on \_\_\_\_\_, at \_\_\_\_\_M, in \_\_\_\_\_. The United States Trustee will preside. The debtor shall appear by its president or other executive officer at that time and place with the attorney for the debtor and be examined. Attendance by creditors at the meeting is welcome but not required.

4. PROOFS OF INTEREST. Subject to further notice, a proof of interest may not be filed by a shareholder or other equity security holder of the debtor.

5. MAILING OF NOTICE. The debtor shall mail copies of this notice to all equity security holders of the debtor and file proof of such service.

Dated: \_\_\_\_\_  
Clerk of Bankruptcy Court

LOCAL RULE REFERENCE: 2002-4 (d)

**Form 2002-5 - Notice of Withdrawal**

(Caption as in Local Form 1007-1)

NOTICE OF WITHDRAWAL

To: The Clerk of Court and all entities listed in Local Rule \_\_\_\_\_.

1. The undersigned filed a request for notice or notice of appearance under Bankruptcy Rule 2002(i) or 9010(b) on \_\_\_\_\_.

2. You are hereby notified that such request for notice or notice

of appearance is withdrawn.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Attorney for: \_\_\_\_\_  
Name, Address, Telephone and License #  
of Attorney for party that filed re-  
quest for notice or notice of appear-  
ance.

LOCAL RULE REFERENCE: 2002-5

---

**Form 2016-1(d) - Chapter 13 Attorney Fee Application**

(Caption as in Local Form 1007-1)

APPLICATION FOR COMPENSATION OR  
EXPENSES BY ATTORNEY FOR DEBTOR(S)

The undersigned applicant, pursuant to Local Rule 2016-1(d), states that:

1. The plan of the debtor(s) has been confirmed by the court, and the applicant is the attorney for the debtor(s), has filed a statement under Bankruptcy Rule Federal Rule of Bankruptcy Procedure 2016(b), and has completed all necessary appropriate legal services to date in this case.

2. The reasonable value of such services is \$\_\_\_\_\_. The applicant has paid \$\_\_\_\_\_ for the filing fee in this case and \$\_\_\_\_\_ for other expenses itemized on the reverse side of this application. The debtor(s) has agreed to pay the applicant for such services and reimburse the applicant for such expenses. The debtor(s) has paid \$\_\_\_\_\_ to the applicant to date for such services or expenses. The debtor(s) owes the applicant \$\_\_\_\_\_ for the unpaid balance.

3. The applicant has not shared or agreed to share with any other person, other than with members of the applicant's law firm, any compensation paid or to be paid in this case.

WHEREFORE, the applicant requests the court to award \$\_\_\_\_\_, the unpaid balance stated above, for compensation or reimbursement, and to order the trustee to pay such amount to the applicant under 11 U.S.C. § 330 and Local Rule 2016-1.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_  
Attorney for Debtor(s)



Name, Address, Telephone and  
Attorney License Number

- - - - -

ORDER: Based on the foregoing application, it is ordered under Local Rule 2016-1(d) that \$\_\_\_\_\_ is awarded to the applicant for compensation or reimbursement and that the trustee pay such amount to the applicant as provided in the plan.

Dated: \_\_\_\_\_  
U.S. Bankruptcy Judge

LOCAL RULE REFERENCE: 2016-1(d)

\_\_\_\_\_

Form 3002-2(c) - Request for Payment of Pre-conversion  
Administrative Expense

(Caption as in Local Form 1007-1)

The undersigned Claimant, pursuant to Local Rule 3002-2(c) states that:

1. The Debtor filed a petition under Chapter \_\_\_\_ of Title 11 of the United States Code on \_\_\_\_\_, \_\_\_\_.

2. The Debtor's case was converted to a case under Chapter 7 of Title 11 of the United States Code on \_\_\_\_\_, \_\_\_\_.

3. Prior to conversion of this case, Claimant provided goods and services which qualify as an administrative expense under 11 U.S.C. §503. These goods and services were in the nature of (describe briefly)  
\_\_\_\_\_.

4. The goods and services provided by Claimant prior to conversion of this case have a reasonable value of \$\_\_\_\_\_.

5. During the administration of this case prior to conversion, the Debtor paid claimant \$\_\_\_\_\_ for such goods and services. Accordingly, Claimant has an unpaid balance for such goods and services of \$\_\_\_\_\_.

6. Attached are documents supporting Claimant's request for payment.

7. Claimant requests allowance of this Pre-conversion Administrative Expense in the amount of \$\_\_\_\_\_.

**Form 3015-1 - Chapter 13 Plan**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**CHAPTER 13 PLAN**

In re:

Dated: \_\_\_\_\_

DEBTOR

Case No. \_\_\_\_\_

*In a joint case,  
debtor means debtors in this plan.*

**1. PAYMENTS BY DEBTOR —**

- a. As of the date of this plan, the debtor has paid the trustee \$\_\_\_\_\_.
- b. After the date of this plan, the debtor will pay the trustee \$\_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_ months, beginning within 30 days after the filing of this plan for a total of \$\_\_\_\_\_.
- c. The debtor will also pay the trustee \_\_\_\_\_
- d. The debtor will pay the trustee a total of \$\_\_\_\_\_ [line 1(a) + line 1(b) + line 1(c)].

**2. PAYMENTS BY TRUSTEE —** The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of \$\_\_\_\_\_ [line 1(d) x .10] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

**3. PRIORITY CLAIMS —** The trustee shall pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

	<i>Estimated</i>	<i>Monthly</i>	<i>Beginning in</i>	<i>Number of</i>	<i>TOTAL</i>
<i>Creditor</i>	<i>Claim</i>	<i>Payment</i>	<i>Month #</i>	<i>Payments</i>	<i>PAYMENTS</i>
a. Attorney Fees	\$_____	\$_____	_____	_____	\$_____
b. Internal Revenue Serv.	\$_____	\$_____	_____	_____	\$_____
c. Minn. Dept of Revenue	\$_____	\$_____	_____	_____	\$_____
d. _____	\$_____	\$_____	_____	_____	\$_____
e. TOTAL					\$_____

**4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT —** The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

a.

b.

**5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)] —** The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	\$ _____
d. <b>TOTAL</b>					\$ _____

6. **OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322 (b)(5)]** — The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	_____	_____	\$ _____
d. <b>TOTAL</b>					\$ _____

7. **OTHER SECURED CLAIMS [§ 1325(a)(5)]** — The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506(a).

<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
b. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
c. _____	\$ _____	\$ _____	\$ _____	_____	_____	\$ _____
d. <b>TOTAL</b>						\$ _____

8. **SEPARATE CLASS OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 9, there shall be a separate class of nonpriority unsecured creditors described as follows: \_\_\_\_\_

- a. The debtor estimates that the total claims in this class are \$ \_\_\_\_\_.
- b. The trustee will pay this class \$ \_\_\_\_\_.

9. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 5, 6, 7 and 8 their pro rata share of approximately \$ \_\_\_\_\_ [line 1(d) minus lines 2, 3(e), 5(d), 6(d), 7(d) and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$ \_\_\_\_\_.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$ \_\_\_\_\_.
- c. Total estimated unsecured claims are \$ \_\_\_\_\_ [line 9(a) + line 9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 5, 6, 7, 8 or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

11. **OTHER PROVISIONS —**

12. **SUMMARY OF PAYMENTS —**

Trustee's Fee [Line 2] .....	\$ _____
Priority Claims [Line 3(e)] .....	\$ _____
Home Mortgage Defaults [Line 5(d)] .....	\$ _____
Long-Term Debt Defaults [Line 6(d)] .....	\$ _____
Other Secured Claims [Line 7(d)] .....	\$ _____
Separate Class [Line 8(b)] .....	\$ _____
Unsecured Creditors [Line 9(c)] .....	\$ _____
<b>TOTAL [must equal Line 1(d)] .....</b>	<b>\$ _____</b>

*Insert Name, Address, Telephone and License Number of Debtor's Attorney:*

Signed \_\_\_\_\_

DEBTOR

Signed \_\_\_\_\_  
DEBTOR (if joint case)

**Form 3020-2 - Report Of Ballot Tabulation**

(Caption as in Local Form 1007-1)

REPORT OF BALLOT TABULATION

Class _____:	Accepting	# _____	\$ _____
	Rejecting	# _____	\$ _____
	Percent Accepting	_____ %	_____ %
Class _____:	Accepting	# _____	\$ _____
	Rejecting	# _____	\$ _____
	Percent Accepting	_____ %	_____ %
Class _____:	Accepting	# _____	\$ _____
	Rejecting	# _____	\$ _____
	Percent Accepting	_____ %	_____ %
Class _____:	Accepting	# _____	\$ _____
	Rejecting	# _____	\$ _____
	Percent Accepting	_____ %	_____ %

We certify under penalty of perjury that we have examined the ballots in this case and the report above is an accurate summary of those ballots to the best of our knowledge, information or belief.

Executed on: \_\_\_\_\_

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_  
Attorney for Debtor(s) Attorney for Creditors' Committee

LOCAL RULE REFERENCE: 3020-2

**Form 4003-1(b) - Certificate Regarding Exempt Property**

(Caption as in Form 1007-1)

CERTIFICATE REGARDING PROPERTY CLAIMED AS EXEMPT

I, \_\_\_\_\_, Clerk of the United States Bankruptcy Court for the District of Minnesota, do hereby certify pursuant to applicable rules that the attached \_\_\_\_\_ page(s) is a true and complete copy of the original Schedule C filed on \_\_\_\_\_, and the original of every -amendment

thereto (new or amended Schedule C if any) filed thereafter on \_\_\_\_\_, in this office in the captioned bankruptcy case by or for the debtor(s), and that I have searched the file and examined the docket of the court in this case, as of 8:00 AM on the date of this certificate, and have found that the first date set for the meeting of creditors in this case as a chapter \_\_\_\_ case under 11 U.S.C. § 341(a) was \_\_\_\_\_, that the notice required by 11 U.S.C. §342(a) has been given, that thirty (30) days have elapsed from the first date set for such meeting and from the date(s) such schedule(s) or any amendment thereto was filed, that such meeting is deemed concluded on the first date set for the meeting, that no objection has been filed to the claims of property claimed as exempt by the debtor(s), or that if filed has been since withdrawn or overruled by the court, that no extension of time for such objection has been granted, or that if granted has since expired, and that, unless a party in interest objects, property claimed as exempt is exempt under 11 U.S.C. §522(1).

WITNESS my official signature  
and the seal of said court at \_\_\_\_\_  
\_\_\_\_\_ in said District

\_\_\_\_\_  
Clerk of Bankruptcy Court

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
Deputy Clerk

(SEAL OF BANKRUPTCY COURT)

LOCAL RULE REFERENCE: 4003-1(b)

**Form 4008-1 - Reaffirmation Agreement**

(Caption as in Form 1007-1)

REAFFIRMATION AGREEMENT

It is hereby declared by the attorney for the debtor(s) and it is hereby stipulated and agreed by the debtor whose name(s) is signed below and the creditor named below as follows:

1. The debtor has filed a petition in this court and the creditor has a valid perfected security interest in the following personal property with the following agreed value:

<u>Description</u>	<u>Value</u>	<u>Basis For Value</u>
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_____	_____	_____
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2. The property is exempt or has been abandoned by the trustee. The debtor(s) needs the property for personal, family or household purposes or in order to produce income, wishes to retain the property and represents that payment of the agreed value as of the date the petition was filed is in the best interest of the debtor(s) and will not impose undue hardship on the

debtor(s) or any dependent of the debtor(s). The creditor is entitled to possession of the property under the security agreement except for the automatic stay and is willing to permit the debtor(s) to retain the property upon the conditions set forth in this agreement.

3. The debtor(s) agrees to pay creditor the sum of \$\_\_\_\_\_, \_\_\_\_\_ (plus, or without, or including) interest thereon at the rate of \_\_\_\_\_ percent per annum computed from \_\_\_\_\_, by payment of \$\_\_\_\_\_ on \_\_\_\_\_ and \$\_\_\_\_\_ on the same day of each succeeding month until the total amount payable has been paid.

4. Creditor agrees to permit debtor(s) the continued use and possession of the property if debtor(s) makes the payments set forth in paragraph 3 at the required time. Except to the extent modified by this agreement, the security agreement covering the property shall remain in full force and effect until the total amount payable set forth in paragraph 3 has been paid. Default under this agreement entitles the creditor to exercise the remedies provided for in the security agreement. Full payment under this agreement entitles the debtor(s) to release of the security interest. This agreement is made pursuant to and subject to applicable local rules and shall be effective upon filing with the clerk of the bankruptcy court. If this agreement is rescinded by the debtor(s) under paragraph 5, the creditor shall retain all payments made by the debtor(s) to the creditor prior to such rescission as payment for the use of the property and the debtor(s) shall forthwith surrender the property to the creditor. The attorney for the debtor(s) declares that the attorney has represented the debtor(s) during the course of negotiating this agreement and that the agreement represents a fully informed and voluntary agreement by the debtor(s) and does not impose an undue hardship on the debtor(s) or a dependent of the debtor(s).

5. THE DEBTOR(S) IS NOT LEGALLY REQUIRED TO ENTER THIS AGREEMENT, WHETHER UNDER BANKRUPTCY LAW, NONBANKRUPTCY LAW, OR UNDER ANY AGREEMENT NOT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 524(c) OF THE BANKRUPTCY CODE.

6. THE DEBTOR(S) MAY RESCIND THIS AGREEMENT AT ANY TIME PRIOR TO DISCHARGE OR WITHIN 60 DAYS AFTER THE FILING OF THIS AGREEMENT, WHICHEVER OCCURS LATER, BY GIVING NOTICE OF RESCISSION TO THE CREDITOR UNDER SECTION 524(c) OF THE BANKRUPTCY CODE.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

Debtor

Signed: \_\_\_\_\_ Address: \_\_\_\_\_

Attorney for Debtor(s)

Name, Address, Telephone and

License # of Debtor's Attorney \_\_\_\_\_

Creditor: \_\_\_\_\_  
Address: \_\_\_\_\_

Signed \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

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**Form 6004-1(a) - Notice Of Trustee's Sale (or other disposition)**

(Caption as in Local Form 1007-1)

NOTICE OF SALE (or lease, or abandonment, or settlement)

To: The United States Trustee, all creditors (if applicable) and  
other parties in interest.

Notice. On \_\_\_\_\_, or as soon thereafter as the transaction may be completed, and subject to objection under applicable rules, the undersigned trustee of the estate of the debtor named above will \_\_\_\_\_ (sell, or lease, or abandon, property of the estate, or will settle a controversy) as follows:

Objection: Motion: Hearing. Under applicable rules, any objection must be in writing, be served on the undersigned trustee and the United States Trustee, and be filed with the clerk, not later than 12:00 o'clock noon on the day before the date set for the \_\_\_\_\_ (sale, or lease, or abandonment, or settlement). If an objection is timely served and filed, the court will hold an expedited hearing on the objection with reduced notice of the hearing. The hearing will be scheduled by the trustee with notice by the trustee to the objecting party and the United States Trustee. If an objection is made or an order is required, the undersigned trustee moves the court for such orders as may be necessary or appropriate.

(If applicable) Unsworn Certificate Of Service. The undersigned trustee states that there is no creditors' committee, and that no entity has filed a request for notice pursuant to applicable rules, or that notice is given to those entities that have filed requests for notice pursuant to applicable rules, and declares under penalty of perjury that on \_\_\_\_\_ the undersigned mailed a copy of this instrument to each entity named below at its address of record:

United States Trustee;

and \_\_\_\_\_.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_  
Trustee's Name, Address and  
Telephone

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(If applicable) Certificate. The United States Trustee hereby certifies that the United States Trustee has reviewed and agrees with the reduced notice and the \_\_\_\_\_ (sale, or lease, or abandonment, or settlement) described

in the foregoing instrument.

Dated: \_\_\_\_\_

United States Trustee

Signed

By: \_\_\_\_\_

Title: \_\_\_\_\_

LOCAL RULE REFERENCE: 6004-1(a)

\_\_\_\_\_  
**Form 6004-1(d) - Certificate Of Sale Or Abandonment**

(Caption as in Local Form 1007-1)

**CERTIFICATE OF SALE OR ABANDONMENT**

I, \_\_\_\_\_, Clerk of the United States Bankruptcy Court for the District of Minnesota, do hereby certify pursuant to applicable rules that the attached \_\_\_\_\_ page(s) is a true and complete copy of the original notice of sale or abandonment filed on \_\_\_\_\_ in this office in the captioned bankruptcy case by the trustee with respect to the property described therein, and that I have searched the file and examined the docket of the court in this case, as of 8:00 AM on the date of this certificate, and have found that the first date set for the meeting of creditors in this case as a chapter \_\_\_\_\_ case under 11 U.S.C. §341(s) was \_\_\_\_\_, that the notices required by 11 U.S.C. §§342, 363, 554 or 725 and applicable rules have been given, that no objection to such sale, abandonment or other disposition of property has been filed, or that if filed has since been withdrawn or overruled by the court, that no extension of time for such objection has been granted, that \_\_\_\_\_ is the duly appointed and acting trustee in this case, and that, after notice and opportunity for a hearing, the trustee may sell or abandon property under 11 U.S.C. §§ 363, 554, 704 or 725.

WITNESS my official signature  
and the seal of said court at \_\_\_\_\_  
\_\_\_\_\_ in said District

\_\_\_\_\_  
Clerk of Bankruptcy Court

Dated: \_\_\_\_\_ By: \_\_\_\_\_

Deputy Clerk

(SEAL OF BANKRUPTCY COURT)

LOCAL RULE REFERENCE: 6004-1(d)

\_\_\_\_\_  
**Form 6004-1(f) - Instrument Of Transfer Of Real Property**



CONVEYANCE OF REAL PROPERTY OF THE ESTATE

Date: \_\_\_\_\_ State Deed Tax Due Hereon \$ \_\_\_\_\_

For Valuable Consideration, \_\_\_\_\_, Grantor, the trustee (or debtor in possession) and as the Representative Of The Estate of the Debtor under 11 U.S.C. §§323(a) or 1107(a) in the above-titled bankruptcy case, which case is now pending, hereby conveys to \_\_\_\_\_, Grantee (or Grantees, or Grantee, a \_\_\_\_\_ under the laws of \_\_\_\_\_, or Grantees, as joint tenants), real property in \_\_\_\_\_ County, Minnesota, together with all hereditaments and appurtenances belonging thereto, described as follows: \_\_\_\_\_.

STATE OF MINNESOTA) SS.  
COUNTY OF \_\_\_\_\_)

Signed: \_\_\_\_\_  
Name, Address and Telephone

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_, as Representative of the Estate of the Debtor in the above-titled bankruptcy case.

NOTARIAL Signed: \_\_\_\_\_  
STAMP Notary Public  
AND SEAL

This Instrument  
Was Drafted By

Statements for real estate taxes  
on the real property described  
above should be sent to:

\_\_\_\_\_  
Name, Address and Telephone

\_\_\_\_\_  
Name, Address and Telephone

LOCAL RULE REFERENCE: 6004-1(f)

**Form 9001-1 - Unsworn Certificate Of Service**

UNSWORN CERTIFICATE OF SERVICE

I, \_\_\_\_\_, declare under penalty of perjury that on \_\_\_\_\_ I mailed copies of the foregoing \_\_\_\_\_ (or copies of the attached \_\_\_\_\_) by first class mail postage prepaid to each entity named below at the address stated below for each entity:

(state name and address for each entity served)

Executed on: \_\_\_\_\_ Signed: \_\_\_\_\_  
Name and Address of Subscriber

[Note - This format can be the last item in a paper ("copies of the foregoing \_\_\_\_\_"). For example, see Local Form 1075-1. When using this format as a

separate paper ("copies of the attached \_\_\_\_\_"), also use the caption shown in Local Form 1007-1.]

LOCAL RULE REFERENCE: 9001-1

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**Form 9013-2 - Notice of Hearing and Motion**

(Caption as in Local Form 1007-1)

NOTICE OF HEARING AND MOTION

TO: The debtor(s) and other entities specified in Local Rule 1204(a).

1. \_\_\_\_\_ moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at \_\_\_\_\_ .M. on \_\_\_\_\_, in Courtroom No. \_\_\_\_\_, at Room the \_\_\_\_\_ United States Court House Courthouse, at \_\_\_\_\_, in \_\_\_\_\_, Minnesota

3. Any response to this motion must be filed and delivered not later than \_\_\_\_\_ .M. on \_\_\_\_\_, which is three days ~~24 hours~~ before the time set for the hearing (excluding Saturdays, Sundays, and holidays, or filed and served by mail not later than \_\_\_\_\_, which is ~~three~~ seven days before the time set for the hearing (excluding Saturdays, Sundays and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this chapter \_\_\_\_\_ case was filed on \_\_\_\_\_. The case is now pending in this court.

5. This motion arises under 11 U.S.C. § \_\_\_\_\_ and Fed. R. Bankr. P. \_\_\_\_\_. This motion is filed under Fed. R. Bankr. P. 9014 and Local Rules \_\_\_\_\_. Movant requests relief with respect to \_\_\_\_\_.

6., 7., 8., 9., . . . .

Wherefore, \_\_\_\_\_ moves the court for an order that \_\_\_\_\_ and such other relief as may be just and equitable.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_  
Attorney for \_\_\_\_\_  
Name, Address, Telephone and  
License # of Attorney for Movant

Verification. I, \_\_\_\_\_, the moving party (or the \_\_\_\_\_ of the corporation movant, or a partner of the partnership movant) named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on \_\_\_\_\_ Signed: \_\_\_\_\_  
Name and Address of Subscriber

LOCAL RULE REFERENCE: 9013-2

\_\_\_\_\_

